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The American Political Science Review

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THE UNITED STATES SUPREME COURT, 1936–1946*

WALTER F. DODD
Chicago, Illinois

In order to analyze the trend of the United States Supreme Court from the beginning of its 1936 term in October, 1936, to the end of the 1945 term in June, 1946, it is first necessary to state the situation at the beginning of this period.

Before the pressure of our last great depression, the United States Supreme Court had found restrictions to exist upon the powers of the national government, and had found barriers against governmental power, both national and state. These barriers were found primarily in a small number of cases: Ribnik v. McBride, 277 U. S. 350 (1928), which restricted price regulation; Hammer v. Dagenhart, 247 U. S. 251 (1923), in which federal power was held not to extend to the shipment of child-made goods in interstate commerce; Adkins v. Children's Hospital, 261 U. S. 525 (1923), in which it was held that a statutory regulation of minimum wages for women was violative of due process of law; Adair v. United States, 208 U. S. 161 (1908) and Coppage v. Kansas, 236 U. S. 1 (1915), which sustained the so-called "yellow-dog" contract, and held that it was unconstitutional for either state or nation to forbid the employer's contracting that his employees should not belong to unions.

These opinions have now been overruled or explicitly disregarded and the Court has expressed the further opinions that state powers in no way restrict the powers granted to the nation; and that the national power to spend for the "general welfare of the United States" is not limited by the direct grants of legislative power found

* Presidential address delivered before the American Political Science Association at its forty-second annual meeting, Cleveland, Ohio, December 27, 1946.

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in the Constitution. Governmental powers have been enlarged, but at the same time federal power and control have been made dominant.

The condition of the depression led to much legislation, state and federal; and much of this legislation, particularly that of Congress, was enacted without adequate consideration. The Supreme Court sustained state legislation for price control (Nebbia v. New York, 291 U. S. 502, March 5, 1934), and mortgage moratorium legislation (Home Building & Loan Association v. Blaisdell, 290 U. S. 398, January 8, 1934). It also sustained federal gold clause legislation (Norman v. B. & O. R. R. Co., 294 U. S. 240, February 18, 1935), and the Tennessee Valley Authority Act (Ashwander v. Tennessee Valley Authority, 297 U. S. 288, February 17, 1936). With four dissents, the Railroad Retirement Act was held invalid (Railroad Retirement Board v. Alton Railroad Company, 295 U. S. 330, May 6, 1935). With three dissents, the Agricultural Adjustment Act was held invalid (United States v. Butler, 297 U. S. 1, January 6, 1936); and, with four dissents, the validity of the Bituminous Coal Conservation Act was denied (Carter v. Carter Coal Co., 298 U. S. 238, May 18, 1936). Statutory adjustments were made with respect both to railroad retirement and bituminous coal.

But the most serious judicial blow to legislation of the depression was that of May 27, 1935, and this blow was struck by a unanimous Court. Upon that date two opinions were handed down. The opinion in Schechter v. United States (295 U. S. 495), with the opinion of the Court by Chief Justice Hughes and a concurring opinion by Mr. Justice Cardozo, substantially destroyed the National Industrial Recovery Act. Upon the same day, a unanimous Court joined in an opinion by Mr. Justice Brandeis which held invalid the original Frazier-Lemke Act with respect to farm mortgages (Louisville Joint Stock Land Bank v. Radford, 295 U. S. 555). These two cases probably had more influence than any others in bringing about President Roosevelt's recommendation of February 5, 1937, for the reorganization of the Supreme Court, although his recommendations would have had little effect upon the decisions of a unanimous Court.

The President's recommendations led to much discussion, and to hearings by the Committee on the Judiciary of the United States Senate running from March 10 to April 23, 1937, with an adverse report by that committee on June 14, 1937. It has fre-

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quently been argued that the President's recommendation constituted a threat which forced a change in the attitude of the Court. No changes in the personnel of the Court occurred from January to June 1, 1937.

In addition to the adverse decisions in 1935 and 1936, the President's program was faced with two earlier decisions: Hammer v. Dagenhart (247 U. S. 251, June 3, 1918), and Adkins v. Children's Hospital (261 U. S. 525, April 9, 1923). Although Hammer v. Dagenhart was not specifically reversed until the Fair Labor Standards Act was sustained in United States v. Darby Lumber Co. (312 U. S. 100, 1941), Mr. Justice Stone was correct in saying in that opinion that the principle of the Dagenhart case was abandoned in Kentucky Whip & Collar Co. v. Illinois Central R. R. Co. (299 U. S. 334, January 4, 1937). The Adkins case was specifically overruled in West Coast Hotel Co. v. Parrish (300 U. S. 379, March 29, 1937).

The President's labor program was also faced by Adair v. United States (208 U. S. 161, 1908) and Coppage v. Kansas (236 U. S. 1, 1916). These decisions were disregarded in the Norris-LaGuardia and National Labor Relations Acts, which were sustained, but the force of the Adair and Coppage opinions was first said to be "sapped" in Phelps Dodge Corporation v. National Labor Relations Board (313 U. S. 177, 1941).

With reference to interstate commerce, the spring of 1937 produced two cases of importance, in addition to that of the Kentucky Whip & Collar Co. In Virginian Ry. Co. v. System Federation (300 U. S. 515, March 29, 1937), the Court held that the Railroad Labor Act applied to railway shop employees. And in National Labor Relations Board v. Jones & Laughlin Steel Corporation (301 U. S. 1, April 12, 1937), the Court, with four dissents, sustained the National Labor Relations Act. The opinion of Mr. Chief Justice Hughes constitutes the basis for a widened scope of national power over interstate commerce, although there were four dissents. On March 29, the Court unanimously sustained a revised Frazier-Lemke act as to farm mortgages, this act having previously been held invalid by a unanimous Court because of constitutional defects which were now removed (Wright v. Mountain Trust Bank, 300 U. S. 440, March 29, 1937).

On May 24, 1937, the Court sustained the Social Security Act with respect to unemployment compensation and old age benefits

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(Steward Machine Co. v. Davis, 301 U. S. 548; Helvering v. Davis, 301 U. S. 619).

There is no basis for the assertion that favorable opinions by the Court from January to June of 1937 were occasioned by the President's action, and there seems to be a fair degree of certainty that they were independent of such influence during the period when the membership of the Court remained unchanged. Such favorable decisions were before June, 1937, and laid the basis for subsequent developments in the extension of governmental power over industry, and in the expansion of federal authority through unlimited spending and interstate commerce powers. The foundation was fully established for the recognition of federal power to prescribe quotas of farm production for the farmer's use on his own farm (Wickard v. Filburn, 317 U. S. 111, 1942), and for federal control of insurance (United States v. South Eastern Underwriters Association, 322 U. S. 533, 1944).

The tendencies toward greater governmental regulation and toward greater federal regulatory power find basis in changed economic and social conditions which make greater regulation necessary, and which make national problems which were once local. The trend toward unrestricted national power finds basis primarily in the commerce clause and in the taxing and spending powers.

Federal dominance has been strengthened also by the Court's emphasis upon the power of Congress to exempt from state and local taxation the business of a federal agency common to private capital (Pittman v. Home Owners' Loan Corporation, 308 U. S. 21, 1939; Maricopa County v. Valley National Bank, 318 U. S. 357, 1943); and the power of Congress to tax the business of a state agency engaged in "enterprises generally pursued" (State of New York v. United States, 66 S. Ct. 310, January 14, 1946). The position of the Supreme Court lays the foundation for the much-urged federal taxation of state and local bonds, while continuing the exemption of federal bonds from state and local taxation. It is argued that the states are protected from abuse by virtue of their representation in the two houses of Congress, but this ignores the fact that our political system is organized on a federal basis.

With reference to state taxation of intangibles, the Supreme Court has made a vital change, which purports to be for the advantage of the states. Beginning in 1929, the Supreme Court took the view that for two or more states to tax intangibles was violative

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of due process of law (Safe Deposit & Trust Co. v. Virginia, 280 U. S. 83). Although he did not dissent in this case, Mr. Justice Stone opposed the principle, and, with changed personnel of the Court, he was able, in 1939, to obtain the adoption of the principle that every state could tax the same intangibles if "within the reach of the tax-gatherer there" (Curry v. McCanless, 307 U. S. 357, 1939). This principle was strengthened in State Tax Commission of Utah v. Aldrich, 316 U. S. 174 (1942), and was in 1944 substantially adopted as to moveable tangibles, with strong dissent by Mr. Chief Justice Stone (Northwest Airlines v. State of Minnesota, 322 U. S. 292). Multiple taxation gives more than one state an opportunity to tax the same property, but creates a confusion which the national government must meet, or which the states must adjust by reciprocal legislation. With respect to intangibles, such legislation is now in force in a number of states.

The "full faith and credit" clause was put into the constitution for the benefit of the states, and this is properly so stated in Magnolia Petroleum Co. v. Hunt (320 U. S. 430, 1943); but the statement is accompanied by an opinion prejudicial to the administration of state workmen's compensation laws. Such results encourage a movement to have workmen's compensation transferred to the federal government. However, with respect to divorces, an opinion favorable to the states was rendered in Williams v. State of North Carolina (325 U. S. 226, 1945).

With reference to federal and state relations, expansion of federal authority in the period under review is also found in Screws v. United States (325 U. S. 91, 1945), which takes the view that federal control applies to state officers acting in their capacities as state officers; and in United States v. Classic (313 U. S. 299, 1941) and Smith v. Allwright (321 U. S. 649, 1944) with respect to the conduct of primary elections.

The Second World War constituted an essential element in the work of the Supreme Court, and it may be said that the Court exercised its authority efficiently, being less restrictive than in the First World War in its construction of the Espionage Act and in its view as to freedom of speech. Although the Court sustained all necessary actions in support of the war, including price control, the use of court martial, and the use of Japanese concentration camps, it took a liberal view in the first definition of treason, and in protecting civil rights, although there may be some doubt as to its

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view with respect to the punishment of Japanese military officers.

Freedom of the press, of speech, and of religion have occupied a large part of the Court's time during the past ten years, the freedom of speech and religion centering on "Jehovah's Witnesses," and the most striking element being the sustaining of salute to the flag in Minersville School District v. Gobitis (310 U. S. 586, 1940), and the reversal of the Gobitis case in West Virginia State Board of Education v. Barnette (319 U. S. 624, 1943). Aside from this, the most striking development is that which permits the exercise of these freedoms upon private property (Murdock v. Commonwealth of Pennsylvania, 319 U. S. 105, 1943; Marsh v. State of Alabama, 66 S. Ct. 276, 1946). With respect to freedom of the press, the Court has recently adopted a wide view in regard to criticisms of the courts (Pennekamp v. State of Florida (66 S. Ct. 1029, 1946)). Freedom of labor has also been broadly recognized, although at least one member of the Court doubts whether equal freedom has been given to employers.

The present Court is liberal with respect to civil rights and federal powers, although the foundation for its present position was largely laid before the change in the Court's personnel, which began with the October term of 1937. With its new personnel, it has performed its duties, but with little that requires great attention here. But the numerous concurring and dissenting opinions exceed those of other days, often add nothing to the case, and imply ignorance of a possible paper shortage upon the part of members of the Court.

It is of importance for us to consider the influence of opinions during the past ten years upon the scope of governmental powers and upon the respective powers of the national government and of the states. With the development of present social and economic conditions and modern methods of transportation and communication, the functions of government have steadily increased. From before birth until after death, each individual is today subject to governmental regulation in almost every detail, either for his own protection or for the protection of others.

Judicial constructions have removed constitutional restrictions once determined to exist. Changed conditions bring a changed application, and this is essential in our national constitution, which deals with generalities and not with details. This development is not new. In 1825, Justice Story, one of the ablest of our legal scholars, held that admiralty jurisdiction applied only to tidal waters

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(The Thomas Jefferson, 10 Wheat. 428), and in 1851, Chief Justice Taney held that it applied to navigable waters, including the Lakes (Genesee Chief v. Fitzhugh, 12 How. 443). Essential changes with respect to price regulation, the problems of labor, and the scope of interstate commerce have come during the past ten years and in periods slightly before.

The functions of the nation and of the states and municipal bodies are greater than ever before, and are constantly increasing. With respect to the manner in which these functions are to be performed, and the extent to which they are to be performed or controlled by the national government, we must look to the constitution of the United States, and also to the conditions which may determine whether the national government will undertake duties which may now be in the hands of state or local governments. Many of the functions which may be assumed by national authority are of a character better administered by more local authority. Many require joint action.

Under our constitution, states will continue their importance as units in a political organization, although their importance as individual units is controlled by national party organizations. Their share in electing the president and members of the two houses of Congress, and in the adoption of constitutional amendments, together with their equality of power, are fundamental in our constitutional system. It is required that they maintain a republican form of government, but preservation of such a form does not rest with the courts (Coleman v. Miller, 307 U. S. 433). This is indicated in recent cases from Illinois and Georgia (Colegrove v. Green, 66 S. Ct. 1198, 1946; Cook v. Turman, 67 S. Ct. 21, 1946). But primary elections have been held to be within judicial protection (United States v. Classic, 313 U. S. 299, 1941); Smith v. Allwright, 321 U. S. 649, 1944); and the Fourteenth Amendment has recently been construed to authorize a federal statute punishing a state officer for violation of a state law (Screws v. United States, 325 U. S. 91, 1945). Moreover, the United States Supreme Court has so construed the Fourteenth Amendment as to bring freedom of religion, of speech, and of the press, and of assembly and petition, within the standards set by that Court. Such a position could not have been taken before the Fourteenth Amendment (1868); and, in 1907, in a case involving freedom of speech and of the press, Mr. Justice Holmes said for the Court: "We leave undecided the question

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whether there is to be found in the 14th Amendment a prohibition similar to that in the 1st" (Patterson v. Colorado, 205 U. S. 454). The last effort to leave an issue of civil liberties to the states was unsuccessfully made by Mr. Justice Frankfurter with respect to the salutation of the national flag in public schools (Minersville School District v. Gobitis, 310 U. S. 586, 1940). The states are important units in the federal system, but the standards of their political action are now largely subject to federal control.

During the whole period of our constitutional history, there has been an increasing activity by our national government, and an expansion of judicial construction of the powers of that government. During the past ten years, we have had judicial decisions which give a supremacy to the national government, primarily through the instrumentality of the commerce, taxing, and spending powers of that government.

The power of Congress to regulate interstate commerce has now come to be applied to the farmer's feeding of cattle upon his farm (Wickard v. Filburn, 317 U. S. 111, 1942); industrial homework in the embroideries industry (Gemsco v. Walling, 324 U. S. 244); and window-washing in a building producing goods for interstate commerce (Martino v. Michigan Window Cleaning Co., 66 S. Ct. 379). And such transactions now have a relation to commerce.

The federal taxing power presents a means of controlling state policy, not frequently used, but used in issues of importance. By permitting a credit not exceeding eighty per cent of a federal estate tax for the amount of a similar tax actually paid to any state, the national government forced inheritance taxes in all states (Florida v. Mellon, 273 U. S. 12, involving an act of 1926). The Social Security Act of 1935 imposed a federal tax for unemployment compensation, with a credit not exceeding ninety per cent to the taxpayer for payment of a state tax under a state law approved by the national authority. Unemployment compensation soon became an institution in all states—Mr. Justice Cardozo saying for the Court, with the approval of Mr. Justice Sutherland, that it was by persuasion, not coercion (Steward Machine Co. v. Davis, 301 U. S. 548, 1937).

The most controlling power of the national government is that of expenditure for the "general welfare of the United States." The national government has financed the cost of administering state unemployment compensation acts, and has supervised that administration.

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Although the case of United States v. Butler (297 U. S. 1, 1936) was adverse to the Agricultural Adjustment Act, it did hold that "the power of Congress to authorize the expenditure of public money for public purposes is not limited by the direct grants of legislative power found in the constitution." Discretion rests with Congress as to what is the general welfare (Helvering v. Davis, 301 U. S. 619, 1937); and neither a state nor an individual has a sufficient interest to contest the validity of expenditures by the United States (Massachusetts v. Mellon, 262 U. S. 447, 1923).

The powers granted to the national government are broadly granted and are unrestricted. During the past ten years, the United States Supreme Court has removed substantially all restrictions that previously existed. Efforts had been made for a number of years to find the existence of restrictions in the Tenth Amendment, but such efforts have ended by Mr. Justice Stone's statement for a unanimous Court in United States v. Darby Lumber Co. (312 U. S. 100, 1941) that "the amendment states but a truism that all is retained which has not been surrendered." The scope of national authority has become a question of governmental policy, and has substantially ceased to be one of constitutional law.

Of the national powers, the one most closely related to state and local governments is the power to expend for the "general welfare of the United States;" and this power has naturally been most important since the use of the flexible income tax. The states, both directly and through their representation in Congress, are most anxious to obtain federal subsidies, and are the most critical of such subsidies; for the hand that rules the purse-strings rules the nation.

The use of federal money in aid of what are regarded as state and local problems will increase rather than lessen. Congress has recently passed the National School Lunch Act, and this is but a step toward federal aid in establishing uniform efficiency in the public school system throughout the country. In a case involving the city of Cleveland (323 U. S. 329, 1945), the Court has recently sustained the federal low-rent housing program; but much greater support of the national government is necessary if there is to be a clearance of slums in our cities. With reference to federal expenditures for such purposes, it is complained that federal taxes in one state are much heavier than in another; but something of financial balance is obtained by the fact that the states whose cities need aid in slum clearance are not the ones which need public school aid, or which now receive greater aid in the financing of old-age assistance.

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Coöperation is essential between the national government and states and local governments. More satisfactory coöperation among the several states is also necessary if they are to continue to exercise certain powers.

Commercial discriminations by one state against another forced the adoption of the Constitution, with its grant of power to Congress to regulate interstate and foreign commerce, and with its numerous specific restrictions upon state discriminations. But, in the absence of federal action, some possibilities of discrimination have remained, and it is natural that a state has sought to discriminate to its own advantage. For example, dairying states have promoted state and federal legislation to discourage the use of margarine. Cotton oil, the chief ingredient of margarine, is a product of cotton states, which naturally seek to retaliate. New York sought unsuccessfully to control the wholesale price of Vermont dairy products that were to be sold in New York. Local freight rates were sought to be established in Texas much lower than the rates to competing cities just beyond the borders of the state. Today many states have laws which hinder the free movement of farm products from other states; and state trucking legislation is in many respects discriminatory against trucks from other states.

State governments and their local units do more now than ever before, and cost more in proportion. But they have not developed an efficiency in accord with their increased functions and increased costs. In the field of local government, this efficiency can be accomplished only by a reduction in number and improvement in organization of local governing units which today largely find basis in conditions of more than one hundred years ago.

Where national coöperation or national supervision is necessary, it can be so arranged that it will not dominate state or local administration. But if this is to be done, state and local governments must show that they can perform their duties equally as well as, or better than, a single centralized governmental agency. In some cases, transfers of administrative control to Washington have been forced by state inefficiency. The citizen, who is at the same time a citizen of local governments and of state and nation, must exercise his rights as a citizen so as to obtain efficiency in state and local governments. If he succeeds, he can have little fear of reduction in importance of state and local governments. The most intimate duty

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is that of the citizen in the community in which he lives, but that duty is equally one as a citizen of the United States.

The citizen's most intimate contact is with regulation by his local governments, and by his state acting to a large extent through local governments. Regulation by the national government is more remote, as is contact with the agencies which enforce such regulation, although in some respects such contact has become and still remains intimate. Popular control must, however, to a large extent, operate upon the governments which are nearest to the individual, and the preservation of such control is dependent upon the maintenance of a substantial degree of independence in the state and local governments. Popular influence upon such governments is of little weight if they are dominated by instructions from the national capital.

The citizen can preserve a democratic national government through the preservation of efficient and democratic state and local governments, but he cannot preserve efficient and democratic state and local governments through the more remote influence which he may exercise as a citizen of the nation. A democratic system must rest primarily upon intimate relations with governments which are nearer to the home and more subject to intimate contact and control as a part of the citizen's daily life. He must and will have a sense of responsibility with respect to local policies and their accomplishment; and this feeling of individual responsibility must be preserved as a part of our governmental system. Such a relationship may be retained without interfering with the duties of national citizenship or with the functions of our national government, and without restricting the continued growth of such functions in fields which become national with the more intimate contacts from ocean to ocean through our still-developing methods of transportation and communication.

State and local governments must survive if we are to preserve our form of government; and they will survive if efficiently organized and administered, and if the states coöperate efficiently instead of seeking to discriminate against each other.

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AMERICAN GOVERNMENT AND POLITICS

THE SECOND SESSION OF THE SEVENTY-NINTH CONGRESS

(January 14–August 2, 1946)

FLOYD M. RIDDICK
Washington, D. C.

When Congress adjourned *sine die* on August 2, 1946, it brought to a close its shortest session since 1939. The legislative activity for the year, however, was most important, meriting careful analysis. Representatives and senators had their first opportunity for a good rest since America's entrance into the war, and they also desired time to stage their respective political campaigns. Even at the time of adjournment, members of both parties realized that the election outcome was unusually uncertain, with the Republicans having their best chance since 1933 to gain control in both houses. Consequently, the Congressional leaders planned their program to allow the membership an early departure from Washington.

Most of the time and effort of the session were directed to the determination of whether many of the emergency controls authorized during the war should be continued, now that hostilities had ceased. The two most controversial issues were the labor problem and the extension of OPA, both of which were tied up with an extension of the war powers.

Many bills on labor were given consideration, and several precipitated prolonged fights. The most dramatic event of the year on Capitol Hill was the appearance of President Truman before a joint session of Congress on May 25, requesting "emergency power" to draft strikers in basic industries into the armed services in case other methods of avoiding strikes failed. In pursuance of his recommendation, a bill (H. R. 6578) providing for settlement of industrial disputes passed both houses in different forms, but was permitted to die on the Speaker's table, the House having refused to dispose of the Senate amendments. A "permanent" strike-control bill was passed and sent to the White House, but the President vetoed it; and the House sustained the veto. Two OPA extension bills were enacted, the President having vetoed the first one.[1]

Organization. Changes in the organization of House and Senate during the session were insignificant. The leaders of the two political parties remained unchanged[2] with the exception of the Democratic whip of the House. Representative Ramspeck having resigned from the House, Representative Sparkman of Alabama became the new Democratic whip. The

[1] These bills are discussed later.

[2] See this REVIEW, Vol. 40, p. 257 (Apr., 1946).

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chairmanships of three standing committees of the Senate[3] and five of the House[4] were changed during the year. Party divisions remained practically the same.[5]

Procedure: General Aspects. While the proceedings of both houses were much the same as in all recent years, some aspects of their activity were most unusual; for example, the Senate's consideration of the FEPC bill was unique. Both bodies were continuously in session from the time Congress convened until *sine die* adjournment on August 2 without recessing for periods of any significant length.

Although the House and Senate were in session only 141 and 135 days, respectively, over a period of 201 days, the amount of printed material by the two houses and their committees was as great, if not greater, than in any previous session of Congress. The Joint Committee on the Investigation of the Pearl Harbor Attack alone issued 39 volumes of hearings, involving roughly 25,000 pages.

The proceedings of the two chambers printed out 10,921 pages of the *Congressional Record*, as compared with 12,722 and 9,940 for the previous two sessions. Of the 10,921 pages, the House proceedings consumed 5,789 pages and the Senate proceedings 5,132.[6]

The actual legislative activity of the two bodies can be comprehended most vividly through an examination of the following table of bills debated by the House and Senate for more than three pages each of the *Record*. In calculating the number of pages that a bill was debated, all proceedings, including reproductions of bills and amendments, were counted.

These data show that while this session was the shortest in several years, the number of bills debated for three or more pages was much the same. The number of bills debated over 150 pages each exceeds that of any year since 1940. While 1,098 bills and resolutions were passed by the Senate

[3] The three changes in standing committee chairmanships of the Senate were: McKellar to the chairmanship of Appropriations; Chavez, Post Office and Post Roads; and McFarland, acting chairman of Irrigation and Reclamation.

[4] The five changes in standing committee chairmanships in the House were: Randolph to chairmanship of Civil Service; McMillan of S. C., to District of Columbia; Lesinski, to Immigration and Naturalization; Kelley of Pa., to Invalid Pensions; and O'Brien of Mich., to Post Office and Post Roads.

[5] See *Official List of Members of the House of Representatives* for January 10, 1946, 79th Cong., pp. 12, 13, and 15. The party division at the beginning of the first session of the 79th Congress was as follows: Senate: 57 Democrats, 38 Republicans, 1 other; in the House: 243 Democrats, 190 Republicans, and 2 others. This compares with the following figures for the beginning of the second session of the 79th Congress: in the Senate: 56 Democrats, 39 Republicans, 1 other; in the House: 236 Democrats, 190 Republicans, 2 others, and 7 vacancies.

[6] Speeches and materials never delivered in the House, but incorporated in the *Record* under "leave to print," involved 5,260 pages of appendix.

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during the session, only 58 were controversial enough to justify three or more pages of discussion; the other 1,040 were passed under unanimous consent procedure, by voice vote, or "without objection." Of the 1,183 bills and resolutions passed by the House, only 113 involved three or more pages of debate. Nearly all of the others were passed under unanimous

TABLE I

BILLS DEBATED FOR THREE OR MORE PAGES OF RECORD

Pages Debated	*77th Congress*		*78th Congress*				*79th Congress*			
	Second Session 1942		*First Session 1943*		*Second Session 1944*		*First Session 1945*		*Second Session 1946*	
	House	Senate	House	Senate	House	Senate	House	Senate	House	Senate
3– 5	20	13	10	10	9	4	7	4	14	6
5– 10	26	16	16	13	12	15	30	15	25	11
10– 15	10	5	24	11	12	4	15	13	20	4
15– 20	13	2	7	5	10	3	7	2	16	7
20– 25	5	5	3	5	10	1	12	5	3	8
25– 30	6	5	8	3	2	2	8	3	7	3
30– 35	3	1	3	2	4	0	10	3	4	1
35– 40	4	0	5	0	1	2	1	1	3	0
40– 45	3	1	1	1	1	1	6	0	1	2
45– 50	1	0	1	1	5	1	3	2	2	1
50– 60	5	4	5	5	5	1	4	4	5	2
60– 70	1	2	4	1	3	2	5	3	3	2
70– 80	0	1	3	1	4	1	1	1	1	1
80– 90	1	0	1	0	1	0	0	2	2	1
90–100	1	1	2	1	0	2	2	2	1	0
100–125	0	3	4	6	3	2	6	2	0	2
125–150	2	1	2	0	0	1	1	2	1	0
150–175	0	3	1	1	1	1	0	1	2	0
175–200	1	0	0	0	1	1	1	0	2	1
200–300	0	0	1	2	2	3	1	1	1	2
300–400	0	0	0	0	0	0	0	0	0	3
400–500	0	0	0	0	0	0	0	0	0	1
500–600	0	0	0	0	0	0	0	0	0	0
Totals	102	63	101	68	86	47	120	66	113	58

consent procedure, by voice vote, or "without objection." Hence, most of the legislative debate was directed to a few major issues.

The bill debated at greatest length during the session was that providing for extension of price control (S. J. Res. 138), the discussion of which took 17 days in the Senate and six in the House, involving over 568 pages of the *Record.*[7] The so-called Case bill on the mediation of labor disputes (H. R. 4908) was the second longest-debated measure, involving 561 pages of the

[7] The issue of extending price control was debated by the two houses for a much longer period of time, H.R. 6042 having been passed by both houses and vetoed before either house began consideration of S. J. Res. 138. The Senate debated H. R. 6042 for 326 pages over a period of seven days, while the House discussed it for 169 pages over a period of six days.

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Record. The Senate debated the bill to make the FEPC a permanent agency of the government over a period of 18 days, involving 419 pages of the *Record.*

Senate Procedure. The legislative procedure of the Senate, though for the most part normal, at times became both exciting and unprecedented. The very first bill called up for consideration was S. 101, to make the FEPC a permanent government agency. The Southern senators immediately mobilized to engage in a protracted filibuster, which continued from January 18 through February 9, at which time the bill was put back on the calendar after a motion to invoke the clôture rule was rejected by a vote of 48–36.[8]

The bill, however, was pending before the Senate for a very short time; actually most of the debate was directed to procedural motions instead of to the bill. The Senate having adjourned (3:42 p.m.) instead of recessing on the first day when the FEPC was considered, the next day, when the Journal was read for approval, Senator Overton made a motion to amend the Journal to include the Chaplain's prayer. This motion occupied the Senate until Senator Hoey of North Carolina moved to amend the Journal to insert the names of senators who failed to answer a certain quorum call. This motion remained the pending business until Senator Barkley moved to act on a petition to invoke the clôture rule. Barkley's motion was ruled out of order on the basis that the rule did not apply to matters pertaining to the Journal.[9] An appeal taken from the decision of the chair occupied the Senate through February 7.[10]

The debates on several other bills were characterized as filibustering, since it was held that organized minorities were engaging in unnecessary debate of certain bills to prohibit the Senate from reaching votes of passage on them. In fact, three petitions were filed to invoke the clôture rule,[11] but to no avail since the necessary two-thirds vote was not forthcoming.

[8] Senator Chavez obtained recognition on Jan. 17 after the morning business was dispensed with and moved consideration of S. 101; the motion having been made before 2 P.M., it was not debatable and upon a roll-call vote, the motion carried by 49–17. In the vote on clôture, 22 Democrats, 25 Republicans, and 1 other voted for, while 28 Democrats and 8 Republicans voted against. For "FEPC—A Case History in Parliamentary Maneuver," by Will Maslow, see *Chicago Law Rev.*, Vol. 13, pp. 407–445.

[9] When Senator Barkley endeavored to invoke the clôture rule the first time, Senator Russell made a point of order that a motion to conclude debate on Senate Bill 101 was not in order since the Senate was debating the Journal and not S. 101.

[10] The appeal was never voted on, since at a later date Senator Barkley was given unanimous consent to withdraw the motion taking the appeal. See *Congressional Record*, 79th Cong., 2nd sess., p. 1089, for Feb. 7, 1946 (hereafter cited as C.R. 79-2). See also *Governmental Affairs* from Jan. 17 through Feb. 9.

[11] Petitions were filed to invoke the rule on S. 101, FEPC; H. R. 7, anti-poll tax; and H. R. 4908, Case bill on mediation of labor disputes.

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During a discussion of these three petitions, however, there was much pro and con argument on the use of clôture.[12]

As in recent previous sessions, the Senate limited debate by unanimous consent on various occasions. Such a unanimous consent agreement was put in the form of writing and printed in the *Record* on May 9;[13] likewise, serious consideration was given to amending the existing clôture rule so that it would be easier for the Senate membership to "slap a limit on Senate debate."[14]

To expedite business and bring legislative proposals to a vote, Senator Barkley continued his insistence against the procedure of "yielding time." He told the Senate, during debate on the labor bill, that he would make a point of order against any senator who held the floor and "farmed it out" to others for speeches. He called this a "vicious practice" and "a violation of the rules," declaring that during April and May the practice had gone to extremes that he had never before witnessed.

[12] In opposition to limitation on freedom of debate, Senator Russell stated: "The suggestion has been made during the debate that the majority of the Senators could even take a Senator off the floor if they thought that an amendment being discussed was frivolous or that his remarks did not appeal to the majority. If we are to start whittling away the rights of the States and the rights of individual Senators by adopting clôture, and then move on to the time when the majority can silence a Senator if his remarks do not appeal to the majority, we should adjourn the Senate *sine die* . . . and go out of that door and place above it a bronze plaque having on it the words, 'Here fell the last citadel of individual rights in an authoritarian world, betrayed by those selected and sworn to defend it. February 9, 1946'." *C.R.*, 79-2, Feb. 9, 1946, p. 1246.

Senator Barkley said to the Senate: "Mr. President, in my capacity as a member of the Senate, and in my capacity as majority leader of the Senate, I have always assumed the attitude that any committee of the Senate, after giving careful consideration to any measure, and after reporting the measure to the Senate and placing it upon the Calendar, is entitled to have the measure considered by the Senate and voted upon . . . to that end I have sought to coöperate . . . in bringing about the fair and just consideration of every measure reported by a committee." *C.R.*, 79-2, Jan. 24, 1946, p. 328. Following a defeat of a motion to invoke clôture, Barkley stated: "Much as I regret the result of that vote, I have indicated my willingness to accept that vote as a test of whether the bill could ever be brought to a vote, and I do accept it." *C.R.*, 79-2, Feb. 9, 1946, p. 1246. For a list of votes to invoke clôture, see *C.R.*, 79-2, Jan. 31, 1946, p. 657.

[13] P. 4773.

[14] Barkley complained on various occasions during the year that senators were consuming too much time unnecessarily in the debate of various issues. For example, he protested the length of the debate on the British loan, holding that much of the discussion was impertinent and only time-consuming. He complained about the difficulty of invoking the existing clôture rule and said that the regulation as it stood destroyed the Democratic process of majority rule. Senate Republican leaders in conference agreed to seek an amendment to the rule. Senator Taft, after a Republican Steering Committee meeting, said that Senator Saltonstall was delegated to draw up a proposal to amend it "so the various dilatory methods of preventing its application can be eliminated." See *C.R.*, 79-2, May 21, 1946, p. 5431.

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On July 27, the Senate eulogized and paid tribute to Senator Barkley on his ninth anniversary as majority leader of that body. According to Senator George, this was the longest that any person has served in that capacity.[15]

Personalities played no small part in Senate procedure during the session; with a much smaller membership than the House, personalities become more important. The legislative fights between Senators Barkley and Taft were most significant, particularly that over the extension of OPA. Senator Taft, during the consideration of the second bill to extend OPA (H. J. Res. 371), accused Barkley of disowning a substitute amendment because OPA Administrator Paul Porter had said it would not work; he said that Mr. Barkley had offered the amendment in committee. Senators Murray and Taft had a verbal fight in the Education and Labor Committee, the argument starting when Murray, making an opening statement at the beginning of hearings on a public health measure (S. 1606) placed in the *Record* an editorial from the *Washington Post* praising it. Senator Morse resigned his membership from the Committee on Education and Labor on May 27 in protest against reference of the Industrial Disputes Act (H. R. 6578) to the Interstate Commerce Committee instead of to the Education and Labor Committee. His action was reconsidered, however, after various senators in a subsequent session praised him for his qualifications and "lamented his loss to the committee."[16] Senator Morse was bitter over the matter, and even charged that President Truman was "ham acting" in making his address on May 25 to a joint session of Congress.

House Procedure. The House used various parliamentary procedures in carrying out its legislative program. Approximately 900 bills and resolutions were passed under unanimous consent procedure after little or no discussion;[17] the other 300 were passed by one of the following methods: special rules, suspension of the rules, Calendar Wednesday, privileged business because of the nature of the bills, and District of Columbia business. As indicated in the preceding table, nearly all of the time of the session, however, was consumed in the passage of 113 measures. Fifty-nine special rules providing for the consideration of 54 bills were called up and acted on by the House, but only 57 were adopted.[18] The Rules Committee actually reported 91 rules providing for the consideration of particular pieces of legislation; but one was recommitted (H. Res. 625), one

[15] See *C.R.*, 79-2, pp. 10366–10367.

[16] Washington News Service—ticker—May 27, 1946.

[17] This includes business on Consent and Private Calendars.

[18] Two rules were granted on each of five bills, making the total number of bills considered under special rules 54 instead of 59. During the last previous session, the House adopted 64, the largest number ever adopted during a single session of Congress. See this REVIEW, Vol. 40, p. 262, note 23.

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failed of passage (H. Res. 452), 19 were "laid on the table,"[19] and 13 were left on the Calendar when Congress adjourned.

An analysis of the 57 rules adopted shows that 48 provided for the immediate consideration of 48 bills. All but 13 were open rules, merely giving otherwise unprivileged business the right of way for House consideration; two were absolutely closed (so-called "gag" rules);[20] with 11 others waiving points of order against the bills for which the rules provided consideration. Of the 54 bills and resolutions for which rules were reported to the House, 42 became public law, three passed the House but died in the Senate, two passed both houses in amended form but were never cleared for the President, three passed both houses but were vetoed, three were killed by the House, and one rule was defeated, thus preventing consideration of the bill.

On the positive side, these results show that the Rules Committee was not used solely to carry out the program of the majority party; on the negative side, the Committee refused to grant rules on various bills including the FEPC and the Kefauver bill to amend the anti-trust law relative to the purchase of assets (H. R. 4810 and H. R. 5535). In several other instances, the committee granted rules only after prolonged fights.

Only two bills were passed under the Calendar Wednesday procedure. The calendar of committees under the Calendar Wednesday rule was called on June 5, 12, and July 10, during which time the Banking and Currency, Coinage, Weights and Measures, Interstate and Foreign Commerce, and Rivers and Harbors Committees were called to bring up their otherwise unprivileged business. On June 12, two bills were called up by the Committee on Interstate and Foreign Commerce (H. R. 164 and H. R.

[19] These were laid on the table because the legislation for which they provided was brought up under a more expeditious procedure; 14 becoming public law, 4 passing the House only, and the other one being killed by veto.

[20] The rule (H. Res. 500) which provided for the consideration of H.R. 4908, the Labor Fact Finding bill, not only waived points of order, but provided that after the first paragraph of H.R. 4908 had been read, it should be in order to move to strike out all after the enacting clause and substitute H.R. 5262 therefor and then read it for amendments, waiving all points of order against it. H.R. 5262 had not been considered by any committee; H.R. 4908 had been reported by the Labor Committee. This rule was criticized on the ground that it took away the jurisdiction of the other standing committees. Another rule (H. Res. 710) not only waived points of order and set the general debate at one hour, but provided: "The bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Ways and Means may be offered to any section of the bill at the conclusion of the general debate, but such amendments shall not be subject to amendment." *C.R.*, 79-2, July 24, 1946, pp. 9961–2.

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6030) and passed. On July 12, the Rivers and Harbors Committee called up a bill (H. R. 6024) under this procedure, and it was debated for much of the day, but never passed. Attempts were made on several other Wednesdays to dispose of Calendar Wednesday business, but without success. Proponents of the FEPC bill (H. R. 2232), having failed to get their bill before the House under the discharge procedure or under a special rule, pursued the strategy of trying to force a call of the committees under the Calendar Wednesday rule until the Committee on Labor was reached. This plan anticipated that the chairman of the Labor Committee would bring up the FEPC bill if and when that committee was called. Opponents of the legislation understood the scheme and successfully blocked its operation.[21]

During the session, 15 bills were passed under the suspension of rules procedure; two others were called up, but failed of passage.[22] Of the 15 bills passed, 12 became public law; the others died in process. Under this procedure, the sole power of recognition is lodged with the Speaker, bills may be debated only 40 minutes, and amendments are not in order.[23]

No bills were passed from the Discharge Calendar. Two petitions[24] received the necessary 218 signatures, but both passed the House under special rules.[25]

All of the appropriation bills were called up by the authorized members of the Appropriations Committee under their own right as privileged business, and many District of Columbia bills were passed on the second and fourth Mondays under Rule XXIV, defining procedure for the disposition of District business.

The members frequently resorted to dilatory tactics to block legislative action. On August 1, for example, seven roll calls on procedural motions were provoked merely to prevent a vote on a contempt resolution. Many members took the floor during the session to raise the question of "personal privilege," with frequent result of heated and personal remarks.[26]

[21] See House proceedings for May 15, June 5, 12, and 19.

[22] See procedure on H.R. 6917 and S. 1414.

[23] See *C.R.*, 79-2 for May 25, pp. 5862–71. The President's Industrial Disputes Act (H.R. 6578) was passed under this procedure.

[24] These petitions were filed to discharge the Interstate and Foreign Commerce Committee from further consideration of H.R. 1362 (railroad retirement bill) and the Military Affairs Committee from further consideration of H.R. 4051 (servicemen's accumulated leave bill). See *C.R.*, 79-2, for April 17 and 18, pp. 4018, 4098. Seventeen petitions were filed, but only two received the necessary 218 signatures.

[25] After the necessary 218 signatures had been affixed to the petition on H.R. 1362, the Interstate and Foreign Commerce Committee reported out its version of the bill, blocking operation of the discharge rule. It is interesting to note, however, that the House finally passed the introduced version of the bill instead of the Committee's reported version.

[26] See, for example, *C.R.*, 79-2, Feb. 27, pp. 1769–71.

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Indulgence in personal remarks was, indeed, not uncommon, and on a few occasions members nearly came to blows.

The Ways and Means Committee had quite a time reaching a final agreement on the Social Security payroll tax. After much laboring, the committee first reported out H. R. 6911, setting the tax at 1½ per cent; observers thought this a final decision, at least as far as the House was concerned. Suddenly, the committee reconsidered its action and reported out a substitute, H. R. 7037, setting the rate at one per cent, which became law. The second bill was called up on the floor under a special rule prohibiting any amendments to the bill except those offered by the committee, for which the committee was criticized.[27]

Legislative Activity. A total of 967 laws were enacted, of which 440 were public and 527 private; these figures show an increase over those for the first session.[28] The House passed 1,183 bills and resolutions, and the Senate 1,098.[29] Eighty-six bills and resolutions, having passed the two

[27] Representative Cooley inquired: "If the Committee on Ways and Means exercises their right to change their mind, why does the committee want to prevent the House from exercising the right to change its mind and adopt the first bill that you approved in committee?" Note further comments by Mr. Jenkins: "I will give you my opinion. Of course, I cannot speak for the other 24 members of the committee. Here was the problem: We went along in the beginning to include within the bill only those matters that were noncontroversial. This variable-grants matter was a controversial matter, and we decided not to include it. Then there was the 1½ per cent matter. When we were giving consideration to increasing this contribution to 1½ per cent, we were considering bringing additional groups under coverage. When we decided not to bring in these additional groups, we decided not to raise the contribution to 1½ per cent. These are some reasons why the committee changed its mind." See *C.R.* 79-2, p. 9968, 9976 for July 24.

[28] During the first session, 658 laws were enacted, of which 293 were public and 365 private.

[29] Each chamber played a more important rôle in legislative activity than these figures show. Of the 1,183 measures passed by the House, 720 were House bills, 222 Senate bills, 28 House joint resolutions, 10 Senate joint resolutions, 13 House concurrent resolutions, 15 Senate concurrent resolutions, and 175 House resolutions. (In the first session of the 79th Congress, 1,184 measures were passed.) During the second session of the 79th Congress, 2,566 bills and resolutions were introduced in the House, of which 2,128 were House bills, 97 House joint resolutions, 50 House concurrent resolutions, and 291 House resolutions. (In the first session of the 79th Congress, 5,995 bills and resolutions were introduced in the House.) House committees made 1,258 reports.

Of the 1,098 measures passed by the Senate in the second session of the 79th Congress, 254 were Senate bills, 720 House bills, 16 Senate joint resolutions, 27 House joint resolutions, 15 Senate concurrent resolutions, 13 House concurrent resolutions, and 53 Senate resolutions. (In the first session of the 79th Congress, 1,005 measures were passed.) During the second session of the 79th Congress, 977 bills and resolutions were introduced in the Senate, of which 779 were Senate bills, 60 Senate joint resolutions, 27 Senate concurrent resolutions, and 111 Senate resolutions. (In the first session of the 79th Congress, 2,118 bills and resolutions were introduced in the Senate.) Senate committees made 1,041 reports.

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houses in substantially different forms, were sent to conference for compromise.[30] All but three were cleared for enactment.[31] Five were left in conference at the close of the session.[32] Conferees actually filed (reported out) 91 conference reports, but eight of the 91 bills on which the reports were filed were sent to conference in 1945. Many additional measures on which action was taken, but which failed to reach conference state, were permitted to die.

Appropriations. Twenty-one regular, supplemental, and deficiency appropriation bills involving a total of $34,794,462,114 of direct appropriations were enacted; this compares with $70,237,289,173 appropriated during the previous session. The budget estimates submitted to Congress by the President totaled $36,469,059,681. The bills involved contract authorizations totaling $441,250,000, and estimated reappropriations of unexpended funds totaled less than half a billion dollars. Congress passed three bills to rescind $56,887,896,046 in direct appropriations and $4,848,884,880 in contract authorizations.

Hence, the appropriations during the current session were less than in any year since the beginning of the war. In reporting the supply bills, the appropriations committees were critical of various departments for inefficiency and waste.[33] In the House report on the State-Justice-Commerce Appropriations Bill for fiscal 1947 (H. R. 6056), the Appropriations Committee stated that there seemed to have developed within the federal agencies a "spending psychology" which "must be eliminated." It continued: "A concerted effort must be made by all concerned to reduce the cost and limit the size of our government."[33a]

[30] Reports were filed on eight additional bills which were sent to conference in the latter part of 1945, but were left pending in conference when the first session adjourned.

[31] Three of the bills cleared for enactment were vetoed by the President; 16 of the 86 bills sent to conference were private measures.

[32] Two of these were sent to conference in the first session (See H. R. 1752 and H. R. 3180); the other three were sent in this session (H. R. 2267, 6578, and 4230).

[33] In congratulating the House committee for curtailing the amount of funds to be appropriated in one bill, Representative Rizley stated: "May I say that perhaps the country got somewhat of a new lease on life when it read the AP dispatches this morning to the effect that the Appropriations Committee had actually commenced to do something about balancing the budget and getting back to a peacetime basis. The thing that disturbs me, however, is not the fine work the gentleman's committee has done in this respect, but so many times I find that we are only doing a lot of shadow-boxing on bills of this kind. We go ahead and do our duty here in the House, as we have on some other appropriation bills; but what is going to happen when the horse-trading starts over on the other side of the Capitol? Is the committee that has brought in this bill today, when the horse-trading is through over there, going to stand pat, if we may use an expression that we use down in Oklahoma, when this thing comes back after conference, or are we just doing some shadow-boxing today for the benefit of the country?" See *C.R.*, 79–2, May 8, 1946, p. 4726.

[33a] House Report 1890.

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The committee, in this particular report, pointed to the fact that much of the enabling legislation under which federal agencies operate was either too antiquated to serve existing needs or so broad "as to enable them to justify almost any conceivable activity." Also it was urged that the Budget Bureau seek greater coördination of federal agencies, since "there is too much duplication of effort."

The Interior Department was severely hit. The House Appropriations Committee voted that the increased estimates in total appropriations and in man-years was not justified. The committee criticized the "inefficient" administration of Secretary Ickes and declared it was hopeful "that under the dynamic leadership of Secretary Krug, the Department will be placed on a more efficient basis, and that he will replace inefficiency and extravagance in certain agencies with economy and efficiency." The Budget estimates for the bill totaled $350,357,230; as passed by the House, it provided for only $179,426,847; the Senate increased the amount to $341,890,763; and the conferees finally agreed upon $247,161,000—the amount which became law. This was the greatest cut that any departmental supply bill has suffered in a number of years.

Nearly all of the general appropriation bills as enacted carried a "rider" providing that "no part of any appropriation contained in this act shall be used to pay the salary or wages of any person who engages in a strike against the government of the United States or who is a member of an organization of government employees that asserts the right to strike against the government. . . . "[34]

For the first time, Congress enacted an appropriation bill (H. R. 6777)[35] to appropriate funds for government corporations.

The Treasury-Post Office Appropriation Bill was held up until mid-July because of a deadlock between the House and Senate over the silver issue. The House favored keeping the price of silver at 71.11 cents an ounce; the Senate favored raising the price to 90.3 cents immediately, and to $1.29 an ounce after two years. The conferees of the House and Senate appropriations committees were unable to reach a compromise. In the face of this impasse, the Senate passed an earlier approved House measure (H. P. 4590), which had been lying idle in the Senate since December 19, 1945, providing for 90.3 cents an ounce instead of 71.11 cents as approved by the House. The bill was then sent to conference, with a new set of conferees, this time from the two Banking and Currency Committees, The new House conferees gave in to those of the Senate, accepting the

[34] A "rider" in a 1944 appropriation bill which required the dismissal of three government employees was held unconstitutional by the Supreme Court in 1946. See this REVIEW, Vol. 38, p. 310, note 35.

[35] This was in pursuance of Pub. Law 248 of this Congress to force budgetary accounting for government corporations.

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figure 90.5 cents; the compromise was agreed to by both houses; and it became law.

Representative Halleck criticized the Appropriations Committee for assuming matters within the jurisdiction of the legislative committees. He stated that in recent years we have seen a procedure develop under which the Appropriations Committee, by making appropriations for agencies and functions not authorized by law, in truth and in fact, usurps many of the responsibilities, duties, and powers of other committees.

Investigating Committees. Many investigations by both select and special committees of the House and Senate were in process. In addition to the 27 authorized by the House and 23 by the Senate in the first session of the 79th Congress,[36] the House and Senate adopted four resolutions each, authorizing an equal number of new investigations.[37] Some action was taken by both House and Senate to establish a joint committee to investigate the labor problem, but a resolution to this end was never finally agreed to by both houses. Perhaps the busiest investigating committee of the session was the Joint Committee on Investigation of the Pearl Harbor Attack.

The twelve-man joint committee on organization of Congress finally filed its report and a special committee was set up by the Senate to consider such proposed legislation. After much time and effort, and in the closing days of the session, Congress enacted S. 2177, to authorize congressional reform.[38]

The Senate as a Council. Nominations received by the Senate during the session totaled 25,966, of which 25,585 were confirmed, six withdrawn, and 375 left unconfirmed.[39] This is the largest number of nominations ever submitted to the Senate in a single session of Congress. Yet all but a few were confirmed; not a single one was rejected. Further, many of these nominations were for major positions in the Administration—for example, Fred M. Vinson, to be Chief Justice of the United States, and James K. Vardaman, Jr., of Missouri, to be a member of the Board of Governors of the Federal Reserve System. A few of the nominations were debated for

[36] For names of these committees, see this REVIEW, Vol. 40, p. 267.

[37] The subjects of investigation authorized by the Senate during the session were: Insolvent Railroads (S. Res. 192); Reorganization of the Legislative Branch (S. Res. 260); Senatorial Campaign Contributions and Expenditures in 1946 Election (S. Res. 224), and Social Security (S. Res. 320). The subjects of investigations authorized by the House during the session (in addition of those established in the last session) were: Transportation Situation (H. Res. 318); Surplus Property Disposal (H. Res. 385); Espionage Cases (H. Res. 430); and Congressional Campaign Contributions and Expenditures (H. Res. 645).

[38] This was one of the most notable achievements of the session, but, being generally familiar, is not discussed here.

[39] See *Civilian Nominations*, compiled by L. W. Bailey, executive clerk for secretary of the Senate, pp. 1–231.

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one or more hours, but, by and large, the procedure on confirmation was merely routine. The most warmly contested nomination of the session was that of Edwin W. Pauley to be Under Secretary of the Navy. The nomination never came to a vote in the Senate; opposition grew so strong that the President finally withdrew Mr. Pauley's name, stating to him that "my faith in your integrity and your ability" is retained.

Treaties consumed very little of the Senate's time. During the session, the President transmitted nine treaties, of which eight were agreed to. Four others which had been submitted during the first session, but left unfinished, were also approved. While there was little or no general debate, a few received much attention from the Foreign Relations Committee, even though relatively non-controversial.[40]

Most unusual was the Senate's procedure in disposing of Senate Resolution 196 for participation in the World Court, in that the resolution was adopted in the absence of any treaty or communication from the executive. Likewise, the Senate began consideration of the resolution in legislative session, and after debating it for some time, resolved into executive session so as to give the instrument more of a treaty sanction.[41] In the end the resolution was adopted by a vote of 60–2, after approval of an amendment (by a vote of 51–12) allowing the United States the right to refuse jurisdiction on questions deemed purely domestic.

The Administration and Congress. The President submitted the Administration's legislative program to Congress in his combined state of the Union and budget message on January 21, 1946. Subsequent communications were sent to emphasize the need for, and to urge the enactment of, particular measures.

Mr. Truman, however, was not too successful in getting his recommendations enacted. Many bills introduced in pursuance of his recommendations were finally enacted, but most of them were modified, in varying degree, before becoming law. They include: control of atomic energy (P. L. 585); the $3,750,000,000 loan to Britain (P. L. 509); return of employment services to states as of November 16, 1946 (P. L. 549);[42]

[40] In connection with the double taxation treaties with Great Britain, Canada, and Northern Ireland, Senator LaFollette served notice on the Senate that he would oppose similar taxation treaties in the future unless committees of Congress had a part in drafting them. He declared the present practice bad, permitting the Treasury to conclude treaty agreements with a foreign government, and then requiring the Senate to vote them up or down. See Washington News Service—ticker —June 1, 1946.

[41] See Senate proceedings for July 31 and August 1 and 2 in the *Daily Cong. Rec.*, 79th Cong., 2nd Sess.

[42] The President wanted the USES to remain under the federal government until June 30, 1947, and then to be returned under conditions which would give a federally supervised system.

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federal airport legislation (P. L. 377); pay increase for government employees (P. L. 399); full employment (P. L. 304);[43] veteran's emergency housing (P. L. 388); extension of price control (P. L. 548); ship sales bill (P. L. 321); school lunch program (P. L. 396); extension of the Second War Powers Act as modified (P. L. 475);[44] stock piling of strategic materials (P. L. 520); Selective Service extension (P. L. 379 and 473); veteran's benefits and federal aid for hospitals and public health centers (P. L. 725). The Administrative Procedure Bill (S. 7) became law, and with the complete support of President Truman.

On the other hand, many important recommendations of the Administration were not enacted, including self government for the District of Columbia;[45] educational aid;[46] labor disputes fact-finding boards;[47] fair employment practices;[48] food nutrition relief; health and medical care;[49] repeal of the Johnson Act;[50] minimum wage increase;[51] national housing program,[52] presidential succession;[53] scientific research;[54] extension of so-

[43] As it finally became law, and in contrast with the Senate-passed version, this legislation nowhere used the term "full employment" nor reflected the philosophy that it is the federal government's responsibility to assure full employment by federal investment and spending. It emphasized, rather, the part that the federal government can play in enabling private enterprise to supply more opportunities for employment. The President, on the other hand, had supported and urged the enactment of the Senate version.

[44] Some of the powers were eliminated, and the act extended other powers only until March 31, 1947, except for a section authorizing the allocation of building materials, which was extended to June 30, 1947.

[45] S. J. Res. 9. The Senate Judiciary Committee held hearings on it.

[46] S. 181 and H. R. 1296. Extensive hearings were held on these two bills, and S.181 was reported.

[47] H. R. 4908. As reported to the House by the Committee on Labor, this bill embodied primarily the recommendations of the President, but when the House acted it substituted the language of the Case bill (H. R. 5262) for that of the President's recommendations. The Senate passed a modified version of H. R. 6908, but all traces of "fact-finding legislation" had been eliminated. The President then vetoed the measure (House Doc. 651).

[48] S. 101 and H. R. 2232. Both bills were reported to the respective houses. By the use of filibuster, the Senate blocked passage of S. 101; the House never reached consideration of H. R. 2232, proponents having vainly employed every means of getting action on it.

[49] S. 1606 and H. R. 4730. Extensive hearings were held on these bills.

[50] H. R. 690 and S. 636. The House Foreign Affairs and the Senate Finance Committees studied the respective proposals.

[51] S. 1349 and H.R. 4130, to amend the Fair Labor Standards Act of 1938. The Senate passed S. 1349 with amendments, but the House refused to give it further consideration. H.R. 4130 was reported, but was killed when the Rules Committee refused to grant a rule for its consideration.

[52] S. 1592. The Senate passed the bill with amendments, and the House Committee on Banking and Currency held hearings on it.

[53] H.R. 3587. This bill passed the House, but the Senate refused to give it con-

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cial security and health;[55] small business;[56] St. Lawrence waterway;[57] territories and insular possessions; unemployment compensation;[58] unification of armed forces;[59] expansion of crop insurance; Missouri Valley Authority;[60] and universal military training.[61]

The House and Senate did not give the President full support in his reorganization plans, submitted in pursuance of Public Law 263 of this Congress. The House rejected all three plans submitted,[62] while the Senate rejected Plan I[63] only. Hence Plans II and III became effective at midnight, June 15.

The President on different occasions urged that Congress do something about increasing minimum wages, and the Senate passed such a bill (S. 1349), amended. The Senate-passed version, however, included the amendment affecting farm parity prices, which the President had designated as not acceptable to him, and if enacted, to be vetoed. Likewise, the language of the Senate-passed version relating to the exclusion of retail and service establishments from the wage and hour section of the original act was so confusing as to make it impossible to determine any definite legal effect. The bill was so amended that several discrepancies in

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sideration. S. Con. Res. 50, for studying the problem of presidential succession, passed the Senate, but the House refused consideration of it.

[54] S. 1850. Passed the Senate amended after Senate committees had worked months to report a compromise version.

[55] Companion versions were pending in both houses, but neither was ever given consideration. During the latter part of the session, H.R. 7037, primarily to freeze payroll taxes at one per cent through 1947, and to grant veteran's benefits, became law.

[56] S. 1367. This bill passed the Senate, but died on the House Calendar. There was much talk of additional small business legislation, but nothing ever materialized.

[57] S.J. Res. 104. The Foreign Relations Committee reported this bill, but it died on the Senate Calendar.

[58] S. 1274. This bill passed the Senate in the first session, but nothing further was done about it.

[59] S. 2044. This bill was reported to the Senate without further action. The President was unable to get the Services in complete accord on any bill or program.

[60] S. 555. Hearings were held on this bill during the first session.

[61] Several bills were introduced and considerable testimony was taken on the subject, but neither house took any action.

[62] By a vote of 180–37, the House disapproved Plan I, making the wartime established National Housing Agency permanent; by a vote of 166–40, it rejected Plan II, transferring various activities to the Federal Security Agency, abolishing the Federal Security Board, and transferring its functions to the Federal Security Administrator; and by a voice vote it rejected Plan III, to make a large number of minor changes in various departments and establishments, looking to an improvement and simplification of administration.

[63] This action was unexpected, since the Senate had approved the principal features of the plan when it approved the National Housing Bill (S. 1592).

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terminology were apparent. The House never gave the Senate-passed version any consideration, and a bill on the same subject reported to the House was never considered. Further, support for the parity amendment was just as strong in the House as it was in the Senate. Thus the bill was permitted to die without reaching the President.

Next to labor legislation, OPA extension was the most controversial and debated proposal of the session. The first bill (H. R. 6042), after prolonged consideration, was passed in a form unacceptable to the President. In vetoing it, Mr. Truman declared that it would destroy the price control and stabilization program. The House sustained the veto by 173–142. Of the 173 voting to override the veto, 68 were Democrats and 105 Republicans; of the 142 voting to sustain, 90 were Democrats, 50 were Republicans, with two other members voting in the affirmative. Congress subsequently passed a second OPA extension, which the President also declared unacceptable, but which he signed since he felt it was that or nothing.

Various representatives and senators were rather critical of the President for not reducing the numbers of government personnel; and it was only after a definite plan for reduction had been reached that Congress cleared the bill providing for pay increases for government employees. Three members of the House called for the removal of CPA Administrator Small as a result of his statement calling for emergency legislation to outlaw strikes for six months. Others publicly defended him. Senator Stewart of Tennessee, of the Senate Small Business Committee, demanded that Price Administrator Paul Porter immediately discharge Deputy Price Administrator Baker because of his statement: "Most business men are chisellers and people of bad reputation and a few are honest business people." A group of members of the House Military Affairs Committee criticized the State Department for retaining in its employ "pro-Russian" sympathizers.

During the session, President Truman vetoed 49 bills, and no one of them became law over a veto. The House made three attempts[64] to override vetoes, and in each instance a majority voted favorably, but with the necessary two-thirds in no case forthcoming. Sixteen vetoes were of the pocket variety.

[64] H.R. 4908, Case labor bill; H.R. 6042, price control, and H. J. Res. 225, to quiet state titles to tidewater lands and lands beneath navigable streams. H.R. 4908 was sustained by a vote of 255 yeas, 135 nays; H.R. 6042, by a vote of 173 yeas, 142 nays; and H.J. Res. 225, by a vote of 139 yeas, 95 nays.

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RURAL LOCAL GOVERNMENT

COUNTY AND TOWNSHIP GOVERNMENT IN 1945*

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Problems of rural local government received considerable attention during 1945 from state legislators, constitution-makers, and the public in general. There were numerous statutory enactments relating to counties and townships, and a new constitution adopted in Georgia contained significant provisions concerning local government.[1] Regular legislative sessions in the states[2] convened, and indeed in a majority of the states adjourned, prior to V-E Day, and in only a few instances did they extend beyond the cessation of hostilities in the Pacific. Essentially, therefore, the 1945 legislative meetings constituted another series of wartime sessions, devoting much of their attention to problems related to winning the war and those of postwar reconstruction. This fact was clearly reflected in the year's enactments concerning local government, as in other fields of legislation.

I. AREAS

New Areas. Enabling legislation for the creation of special-purpose districts was enacted in several states. Improvement districts were authorized in Arizona for the purpose of making street, sewer, and other local improvements in unincorporated areas, and in certain Kansas counties for constructing works and improvements necessary for the public health, convenience, or welfare. Districts established in both states will have taxing and borrowing powers and the power to impose special assessments. Colorado, Utah, and Nebraska authorized the establishment of cemetery districts. Health districts, hospital districts, and airport districts were authorized in Washington, and sanitary districts in Delaware and Iowa. The California legislature established the San Luis Obispo flood control and water conservation district with broad powers to provide for the control and conservation of flood and storm waters.[3]

* For previous annual summaries, see this REVIEW, Vol. 31, pp. 884–913; Vol. 32, pp. 936–956; Vol. 33, pp. 1058–1072; Vol. 34, pp. 1145–1166; Vol. 35, pp. 1106–1119; Vol. 36, pp. 1109–1127; Vol. 37, pp. 1041–1051; Vol. 38, pp. 1089–1113; Vol. 39, pp. 1107–1118.

[1] Local-government provisions of Missouri's new constitution, adopted early in 1945, were discussed in the preceding article in this series.

[2] Regular sessions were held during the year in all states except Kentucky, Louisiana, Mississippi, and Virginia. In at least two of the latter states—Kentucky and Virginia—there were special sessions.

[3] *Laws of Arizona*, 1945, ch. 43; *Statutes of California*, 1945, ch. 1294; *Laws of*

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Massachusetts enacted a soil conservation district law, and several districts were promptly established thereunder. By June 15, 1946, 1,592 soil conservation districts, with an aggregate area of some 800 million acres and including well over half of the nation's farms, had been organized in the 46 states having enabling legislation. Each of the two remaining states—New Hampshire and Connecticut—enacted during the year a soil conservation statute which, however, did not provide for the incorporation of local districts. The New Hampshire law establishes a single state-wide soil conservation district to be administered by a state soil conservation committee; while that of Connecticut provides for assistance to farmers, individually or in voluntary associations, in erosion-control work. Some of the functions performed elsewhere by local soil conservation districts are carried on in the former state by sub-districts and in the latter by local work areas. These 1945 enactments round out the state enabling legislation necessary to permit farmers throughout the country to engage in erosion-control work with state and federal assistance.[4]

Consolidation. Georgia's new constitution empowers the general assembly to provide for the consolidation of two or more counties, and for the division of any county and merger of portions thereof into other counties; but any such consolidation, or division and merger, must be approved by two-thirds of the voters voting in a referendum election in each county concerned. The present number of counties in the state (159) may not be increased, and no new county may be created otherwise than by consolidation or merger of existing counties. Optional systems of consolidated county and municipal government may be provided, to become effective when approved by a majority of the voters voting thereon in the county concerned.[5]

Three states—Illinois, Iowa, and Kansas, provided for county school surveys designed to foster consolidation of rural school districts. The Kansas statute established a division of school reorganization in the state department of education, and a county school reorganization committee in each county. The county committee consists of five members appointed by the board of county commissioners from areas outside cities of 15,000 population or more. At least three of the five members must reside outside the corporate limits of any city, and no person engaged in the teaching

Colorado, 1945, ch. 91; *Laws of Delaware*, 1945, ch. 113; *Acts and Joint Resolutions of Iowa*, 1945, ch. 162; *Kansas Session Laws*, 1945, ch. 180; *Laws of Nebraska*, 1945, ch. 16; *Laws of Utah*, 1945, ch. 17; *Session Laws of Washington*, 1945, chs. 182, 183, 264.

[4] *Supplement to the General Statutes of Connecticut*, 1945, p. 202; *Acts of Massachusetts*, 1945, ch. 531; *Laws of New Hampshire*, 1945, ch. 151; United States Soil Conservation Service, *Soil Conservation Districts* (mimeo., Washington, July 1, 1946).

[5] *Constitution of Georgia* (1945), Art. XI, sec. 1.

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profession is eligible for committee membership. County committees are to prepare plans for reorganizing the elementary school districts within their respective jurisdictions and are empowered, after public hearings thereon, to issue orders placing those plans in effect. Persons dissatisfied with reorganization orders issued by any county committee may apply for a rehearing, and if dissatisfied with orders issued after rehearing may apply to the district court for a review of the committee's plan and procedure. It is the duty of the state division to become conversant with all factors affecting the determination of proper boundaries for elementary school districts in the state, and to counsel and advise with the school reorganization committees of the respective counties.[6] During the first year of the law's operation, 1,292 elementary districts were eliminated in the state by reorganization. Of these, 236 districts were eliminated through voluntary consolidations under previously-existing school laws, and the remainder through orders of county reorganization committees. The total represents a reduction of 18 per cent in the number of one-teacher schools (approximately 7,200) legally organized in the state during the school year 1945. At this rate, the total reduction during the three-year reorganization period contemplated by the statute may well exceed 40 per cent of the state's one-teacher districts.[7]

The Illinois law created a state advisory commission on school reorganization and provides that a school survey committee may be established in any county. The county committee is composed of nine members —five chosen by the members of the rural school boards in the county and four by the members of urban boards—and works under the supervision of the state advisory commission and the state superintendent of public instruction. It is the duty of the county committee to study the existing organization of school districts and to recommend such reorganization as in the committee's judgment "will afford better educational opportunities for the pupils and inhabitants of the county, more efficient and economical administration of public schools, and a more equitable distribution of public school revenues." Reorganization schemes recommended by county survey committees must be approved by the voters of the districts concerned before becoming effective.[8] By the summer of 1946, survey committees were functioning in 93 of the state's 102 counties. Though the official reports of the committees are not due, even in preliminary form, until June, 1947, during the first year following the authorization of their establishment 107 consolidations involving 574

[6] *Kansas Session Laws*, 1945, ch. 291.

[7] *Reorganization of School Districts in Kansas, 1945–46* (Publication No. 140, Research Department, Kansas Legislative Council, Topeka, June, 1946).

[8] *Laws of Illinois*, 1945, p. 1608.

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districts were effected in the state.[9] This marked advance in the consolidation movement, which is in sharp contrast to the slow progress of previous years, seems to be attributable in no small part to the activities of the survey committees.

In Iowa, county boards of education were directed to make surveys of the school districts within their respective counties and territory adjacent thereto "for the purpose of promoting such reorganization of districts by unions, mergers, reorganizations or centralization as will effect more economical operation and the attainment of higher standards of education in the schools." Public hearings are to be held in connection with the surveys, and plans of reorganization finally approved by a county board will be submitted to the voters of the districts affected for their adoption or rejection. It is made the duty of the state department of public instruction to coöperate with the several county boards of education in the carrying on of their survey work.[10] By the summer of 1946, no county had completed a survey under this law, but a number of recent consolidations effected under earlier statutes appeared to have been the result of pressure engendered by the enactment of the 1945 legislation.[11]

II. ORGANIZATION AND PERSONNEL

New Offices. An innovation in statutory county agencies is an ex-officio county advisory board created in each county in New Mexico. Members of the board are the county assessor, clerk, school superintendent, sheriff and treasurer, and probate judge. The advisory board is to meet with the board of county commissioners and "fully advise them on all matters concerning the offices of the county officials," and on matters pertaining to the administration of county affairs. It is a further duty of the board to secure coöperation among the various county officials, and to "bring about mediation when several county officials fail or neglect to coöperate in the exercising of their duties," whenever such lack of coöperation becomes detrimental to efficiency in county government.[12]

Colorado, South Dakota, and Tennessee were added to the list of states which authorize the appointment of county veterans' service officers to assist veterans and their dependents in securing benefits available to them under federal and state legislation. Wisconsin county boards were empowered to create the position of county historian. It is to be the duty of this official to collect and preserve early records, mark and compile

[9] Information supplied by Dr. J. F. Isakoff, Director of Research, Illinois Legislative Council.

[10] *Acts and Joint Resolutions of Iowa*, 1945, ch. 128.

[11] Information supplied by Mr. Cameron M. Ross of the Iowa State Department of Public Instruction.

[12] *Laws of New Mexico*, 1945, ch. 61.

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data concerning places of historical interest in the county, and perform such other duties relating to the collection, preservation, compilation, and publication of historical data as the county board may require.[13]

Office Abolition and Consolidation. General sessions courts to replace justices of the peace were established in the Tennessee counties of Marshall and Wilson.[14] In Wisconsin, a constitutional amendment abolishing the office of justice of the peace in Milwaukee was given second legislative approval and ratified by the state's voters. Georgia's new constitution provided that the general assembly may abolish the office of county treasurer in any county, and may consolidate the offices of tax receiver and tax collector in the office of tax commissioner.[15]

Reëligibility to Office. A proposed amendment to the Wisconsin constitution to eliminate the present provision that sheriffs may not serve more than two consecutive two-year terms was given second legislative approval, only to meet defeat at the hands of the voters early in 1946.[16]

County and Town Executives. The Oregon legislature, under authority conferred by a recent constitutional amendment, enacted an optional county-manager law. Under the terms of this statute, any county of the state may, by petition and popular vote, adopt a manager charter, which, however, must conform to certain basic requirements prescribed by the act. Each charter must provide for an elective county board of not less than three nor more than seven members, one of whom shall be elected as county judge. This board is to be the county's policy-determining body and, except as otherwise provided by law, is to exercise all powers vested in the county. Specific powers of the county board include those of levying taxes, appropriating county funds, inquiring into the conduct of county offices, placing county officers on a salary basis, and appointing a county manager and fixing his salary. The manager is to be the administrative head of the county government and must give full time to the duties of his office. He is to serve at the pleasure of the county board and be responsible to that body for the proper conduct of all administrative affairs within its jurisdiction. Department heads are to be appointed by the manager. Appointments to subordinate administrative positions are to be made by the manager, or by department heads if the manager chooses to delegate such authority, on the basis of ability, training, and experi-

[13] *Laws of Colorado*, 1945, ch. 108; *Laws of South Dakota*, 1945, ch. 183; *Public Acts of Tennessee*, 1945, ch. 38; *Wisconsin Session Laws*, 1945, ch. 89.

[14] M. H. Satterfield, "County Legislation in Tennessee," *National Municipal Review*, Vol. 34, pp. 257–258 (May, 1945).

[15] *Constitution of Georgia* (1945), Art. XI, sec. 1; *Wisconsin Session Laws*, 1945, p. 1113; Elwyn A. Mauck, note in *National Municipal Review*, Vol. 34, p. 315 (June, 1945)

[16] *Wisconsin Session Laws*, 1945, p. 1144; Elwyn A. Mauck, note in *National Municipal Review*, Vol. 35, p. 378 (July, 1946).

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ence. The law provides that, except for purposes of inquiry or in case of emergency, the county board and its members "shall deal with that portion of the administrative service over which the manager is responsible solely through the manager, and neither the county board nor any member thereof shall give orders to any subordinate of the county either publicly or privately." Any county adopting a manager charter may abandon the same, after four years' operation, by petition and election proceedings similar to those employed for its adoption.[17]

Maryland's legislature provided Montgomery county with a chief administrative officer with the title of "county supervisor." The supervisor is appointed by the county board and is to serve as the board's agent in coördinating county activities. It is the supervisor's duty "to supervise and be responsible for the daily routine administrative functioning of the general executive and administrative departments, offices, and agencies" under the county board's jurisdiction, but the statute specifically declares that "nothing herein shall be construed to take away the executive or administrative powers" of the board. Various major administrative officers of the county are to be responsible, in the discharge of their duties, directly to the supervisor and through him to the county commissioners. Manager government was adopted in Maine by the towns of Fairfield, Guilford, Littleton, Old Town, and Orient, and by Reed plantation; and in Vermont by the town of Chester.[18]

Personnel Administration. The Maryland legislature provided a merit system for Montgomery county, under a civil service commissioner appointed by the county board. Outagamie county, Wisconsin, established a merit system for all county employees under which positions will be classified and examinations given by the state bureau of personnel; and Wood county in the same state placed its highway patrolmen under the merit system.[19]

Salary increases were granted to county officers during the year in several states.[20] In some instances, these increases were of general application, applying to all or most county officers throughout the state, but more often they applied only to certain counties or offices. A few of the increases were for the "duration" only, though most of them carried no time limit. Indiana, Oregon, Montana, New Hampshire, and Wisconsin enacted legislation under which the employees of counties and other designated local

[17] *Oregon Laws*, 1945, ch. 404.

[18] *Laws of Maryland*, 1945, ch. 949; Grace L. Geer, "Council-Manager Government," *Municipal Year Book*, 1946, pp. 236–239.

[19] *Laws of Maryland*, 1945, ch. 904; Elwyn A. Mauck, note in *National Municipal Review*, Vol. 34, p. 356 (July, 1945).

[20] *Acts of Arkansas*, 1945, no. 162; *Laws of Colorado*, 1945, ch. 125; *General Laws of Idaho*, 1945, chs. 9, 182; *Kansas Session Laws*, 1945, chs. 206, 207; *Laws of Nebraska*, 1945, ch. 48; *Session Laws of Washington*, 1945, ch. 87.

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units may participate in state-administered retirement systems; and the Texas legislature proposed a constitutional amendment which would authorize counties to establish retirement funds.[21] The Michigan Institute of Local Government, which for some years has trained newly-elected sheriffs in their duties, expanded its training program to include county clerks, county treasurers, and other elective county officials.[22]

III. FUNCTIONS

New Functions. A great deal of legislation was enacted during the year to confer new powers upon rural governmental units and broaden their authority with respect to existing functions. Several states enlarged county powers in the fields of public health and recreation. New or amplified authority to operate and finance county hospitals was conferred in North Carolina, Oklahoma, and Wisconsin. The Alabama legislature proposed a constitutional amendment which would empower counties and municipalities, as well as the state, to appropriate public funds for hospitals, health centers, sanitoria, and other health facilities. Los Angeles county, California, was authorized to provide ambulance service.[23] Counties in Alabama and North Carolina were empowered to provide parks, playgrounds, and recreation centers, and in the latter state to conduct supervised recreational programs. New Mexico provided that any county may establish playgrounds or recreation centers "within or beyond the constituted limits" of the county; and Nevada authorized counties of more than 10,000 population to acquire land for park, recreational, and memorial purposes. An amendment to the Pennsylvania statutes extended to all counties the power, previously possessed only by counties of the second class, to acquire and maintain public parks. New Hampshire counties were authorized to conduct recreation activities.[24]

Agriculture, forestry, and fire protection were the subjects of legislation extending county and township powers in various states. Wisconsin counties were authorized to purchase tractors, bulldozers, and other equipment

[21] *Laws of Indiana*, 1945, ch. 340; *Laws, Resolutions, and Memorials of Montana*, 1945, ch. 212; *Laws of New Hampshire*, 1945, ch. 201; *Oregon Laws*, 1945, ch. 401; *General and Special Laws of Texas*, 1945, p. 1045; *Wisconsin Session Laws*, 1945, ch. 156.

[22] Paul W. Wager, "County Government," *Municipal Year Book*, 1946, pp. 231–236.

[23] *General Laws of Alabama*, 1945, p. 328; *Statutes of California*, 1945, ch. 909; *Session Laws and Resolutions of North Carolina*, 1945, ch. 506; *Session Laws of Oklahoma*, 1945, p. 232; *Wisconsin Session Laws*, 1945, ch. 454.

[24] *General Laws of Alabama*, 1945, p. 565; *Statutes of Nevada*, 1945, ch. 206; *Laws of New Hampshire*, ch. 120; *Laws of New Mexico*, 1945, ch. 67; *Session Laws and Resolutions of North Carolina*, 1945, ch. 1052; *Laws of Pennsylvania*, 1945, ch. 155.

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for clearing and draining land and controlling weeds; and, for fees, for work on private lands. In the same state, county governments were empowered also to maintain laboratory equipment for testing milk and soil samples for county residents. The establishment and maintenance of county forests was authorized in Alabama, Montana, and Minnesota. Alabama counties may acquire forest lands by purchase, gift, or bequest; counties in Minnesota may accept donations of forest land or may set aside for forest purposes lands acquired through tax delinquency; while Montana counties may set aside as forests either tax-forfeited lands or rentals assessed on a cost basis, to operate or lease such equipment for lands taken in exchange therefor. Counties in California and Montana, and townships in North Dakota, were authorized to provide rural fire protection. Under the Montana statute, the board of county commissioners is empowered to establish fire seasons during which no person may set any forest fire, land-clearing fire, or other open fire on forest, range, or crop lands without first obtaining a written permit from a county or district fire chief.[25]

Though most of the recent housing legislation for redevelopment of blighted areas relates primarily to municipalities, the statutes of several states confer redevelopment powers upon counties and townships. By laws enacted in 1945, the counties of California and Pennsylvania, and Jefferson county (Birmingham) in Alabama, were empowered to establish redevelopment agencies with authority to undertake slum-clearance and housing projects. Counties and townships in Michigan were authorized to adopt plans for the redevelopment of blighted areas, and to assist in carrying out such plans by the acquisition and disposal of real estate. Tennessee empowered county and regional housing authorities to extend the benefits of public housing to rural areas.[26]

The growing importance of air transport is reflected in the large amount of current legislation concerning state and local activities in the field of aviation. Indiana, Nevada, Kentucky, Iowa, South Carolina, Delaware, Alabama, and Colorado were among the states which, during the year, conferred upon counties the power to establish and finance airports or broadened authority previously granted. In several instances, it was provided that airports may be maintained outside as well as within the corporate boundaries of the county. Minnesota and Wisconsin enacted, in

[25] *General Laws of Alabama*, 1945, p. 343; *Statutes of California*, 1945, ch. 2383; *Session Laws of Minnesota*, 1945, ch. 347; *Laws, Resolutions, and Memorials of Montana*, 1945, chs. 70, 173; *Laws of North Dakota*, 1945, ch. 319; *Session Laws of Wisconsin*, 1945, ch. 224.

[26] *General Laws of Alabama*, 1945, p. 269; *Statutes of California*, 1945, ch. 1326; *Public Acts of Michigan*, 1945, no. 344; *Laws of Pennsylvania*, 1945, no. 385; *Public Acts of Tennessee*, 1945, ch. 102.

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almost identical terms, reciprocal legislation authorizing counties and other political subdivisions of any adjoining state to acquire and operate airports within the enacting state, provided that the laws of such adjoining state permit such action and conditioned also upon the granting by the adjoining state of a like privilege to political subdivisions of the enacting state. Under this legislation, counties in either of these states, if its own laws permit (such permission is granted by Wisconsin in the same statute), may establish airports across the state line in the other. Any county thus establishing an outstate airport is to have all the rights and privileges with respect thereto, including the right of eminent domain, extended by the state in which the airport is located to its own counties; and is to be subject to most laws and regulations of the state of location. In matters relating to financing the project, however, the establishing county will be governed by the laws of its own state.[27]

Closely related to the function of providing airport facilities is that of protecting the approaches to public airports, by appropriate zoning restrictions, against obstruction by trees, tall buildings, and other hazards. About a fourth of the states enacted laws conferring airport-zoning power upon counties or modifying earlier legislation granting such power.[28] These statutes regularly applied to municipalities as well as counties, and some applied also to townships, park districts, and other local units. A majority of the laws followed rather closely the provisions of the model airport-zoning enabling act recommended by the federal Civil Aëronautics Administration and the National Institute of Municipal Law Officers, and some of the others followed the model act in a general way. Inasmuch as two or more local governments sometimes possess concurrent jurisdiction in airport zoning, several of the acts provide that in case of conflict between two sets of restrictive regulations, the more stringent limitation or requirement shall prevail. The statutes uniformly require the establishment of a board of adjustment with power to authorize variances from the zoning regulations in exceptional cases, and it is usually expressly provided that decisions of this board shall be subject to judicial review. In addition to authorizing use of the police power for the imposition of

[27] *General Laws of Alabama*, 1945, p. 612; *Laws of Colorado*, 1945, ch. 4; *Laws of Delaware*, 1945, ch. 300; *Laws of Indiana*, 1945, ch. 190; *Acts and Joint Resolutions of Iowa*, 1945, ch. 150; *Acts of Kentucky*, 1945 (spec. sess.), ch. 3; *Session Laws of Minnesota*, 1945, ch. 175; *Statutes of Nevada*, 1945, ch. 151; *Acts and Joint Resolutions of South Carolina*, 1945, p. 43; *Wisconsin Session Laws*, 1945, ch. 74.

[28] *Laws of Illinois*, 1945, p. 317; *Laws of Indiana*, 1945, ch. 190; *Acts and Joint Resolutions of Iowa*, 1945, ch. 149; *Session Laws of Minnesota*, 1945, ch. 303; *Laws of Nebraska*, 1945, ch. 233; *Laws of New York*, 1945, ch. 901; *Laws of North Dakota*, 1945, ch. 40; *Session Laws of Oklahoma*, 1945, p. 9; *Laws of Pennsylvania*, 1945, no. 107; *Public Acts of Tennessee*, 1945, ch. 74; *Laws of Utah*, 1945, ch. 10; *Session Laws of Washington*, 1945, ch. 174.

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restrictions on future uses of property surrounding airports, some of the acts provide for the removal of existing hazards to air travel by the power of eminent domain. California, a state not included among those enacting zoning legislation, authorized counties, cities, and airport districts to use eminent domain to acquire an easement in airspace when necessary to protect airport approaches from hazardous encroachment by structures or vegetation.[29]

In county planning and zoning of a general nature, there were some developments. The establishment of planning agencies was authorized in Michigan and North Carolina counties generally; in Minnesota counties containing second-class cities; and in New York counties adopting optional forms of government under the Buckley law of 1935.[30] Milwaukee county, Wisconsin, was empowered to regulate the subdivision of land outside incorporated cities and villages; and boards of county commissioners in Colorado were authorized, upon petition and after public hearing, to adopt building codes for zoned rural areas. Exempt from the regulatory power conferred by the Colorado statute, however, are buildings used solely for sheltering agricultural implements, farm products, livestock, or poultry. The Delaware legislature proposed a constitutional amendment to permit the enactment of county-zoning enabling legislation. The proposal, since amendments in that state do not require popular ratification, will become effective if approved by the 1947 legislature.[31]

County zoning in Virginia suffered at least a temporary setback when the zoning ordinance of Fairfax county was declared invalid by the circuit court. This decision was reached in a criminal action in which the defendant was prosecuted for establishing an automobile graveyard in a suburban residential district. The Fairfax ordinance enumerated fourteen uses as permitted in such districts, and ten additional uses as permitted when specifically authorized by the board of zoning appeals, but an automobile graveyard was not included among these twenty-four permissible uses. In declaring the ordinance invalid, the court took the view that a law creating a crime must specifically prohibit the act made criminal. In this instance, automobile graveyards were prohibited in suburban residential districts, not by specific prohibition, but by not being included in the list of uses permitted. According to the doctrine of the case, a zoning ordinance, to be valid, would seemingly have to enumerate every use to be

[29] *Statutes of California*, 1945, ch. 1242.

[30] *Public Acts of Michigan*, 1945, no. 282; *Session Laws of Minnesota*, 1945, ch. 551; *Laws of New York*, 1945, ch. 903; *Session Laws and Resolutions of North Carolina*, 1945, ch. 1040. Planning commissions previously established in some Michigan counties under earlier legislation are to be reconstituted under the provisions of the new law.

[31] *Laws of Colorado*, 1945, ch. 90; *Laws of Delaware*, 1945, ch. 2; *Wisconsin Session Laws*, 1945, ch. 218.

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prohibited within districts of each class. This doctrine is so contrary to established zoning practice in the United States that its ultimate acceptance would be of far-reaching consequence. At the year's end, steps had been taken to test the decision before the state supreme court.[32]

South Dakota enacted two statutes relating to the operation of toll bridges, interstate or otherwise, by local governmental units. One of these empowered counties, cities, or towns to acquire and operate toll bridges inside their territorial limits or within five miles thereof, whether wholly or only partly within the state. Where the bridge is interstate in character, the power to acquire and operate the portion situated in another state is dependent, of course, upon the laws of that state. A companion measure grants permission to counties, cities, and towns of adjoining states to operate toll bridges across boundary streams and to acquire on the South Dakota side the necessary right-of-way to give access to such bridges from the public highways. Michigan counties were authorized to maintain parking lots on county-owned land, and to enact appropriate rules and regulations for the use of such lots by the public.[33]

County boards in Iowa were empowered to provide law libraries, to be maintained under the supervision of the county judge. The Pennsylvania legislature authorized counties, which had previously been empowered to appropriate funds for county war histories, to make appropriations for local historical compilations and publications generally. North Dakota counties containing cities of more than 3,000 population were empowered to levy an annual tax of one-half mill for "advertising the resources and processing opportunities in North Dakota and promoting the industrial development thereof."[34]

Functional Consolidation. There was a considerable amount of legislation authorizing functional consolidation of both the special-district and contract varieties, and numerous instances in which local units inaugurated the coöperative performance of functions under previous authorization. Developments of the year, however, involved no new methods of coöperation, but rather an extension of the application of well-known principles and techniques.

Washington authorized the establishment of multi-county health districts. Montana provided that any county which maintains a county health unit and any first-class city located therein may, by mutual agree-

[32] John E. Mason, "Constitutionality of Zoning Challenged in Virginia," *Journal of Land and Public Utility Economics*, Vol. 22, pp. 77–78 (Feb., 1946).

[33] *Public Acts of Michigan*, 1945, no. 58; *Laws of South Dakota*, 1945, chs. 118, 119.

[34] *Acts and Joint Resolutions of Iowa*, 1945, ch. 153; *Laws of North Dakota*, 1945, ch. 294; *Laws of Pennsylvania*, 1945, no. 41.

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ment, merge their health services; and that two or more adjacent counties and the first-class cities therein may join in establishing a district health unit.[35] The actual consolidation of county and city health departments, an outstanding development of recent years,[36] continued. Cities reported to have consolidated their health services with those of their respective counties include Battle Creek in Michigan, Winston-Salem and Burlington in North Carolina, and Vancouver and Longview in Washington. A district health unit with a full-time health officer was established to serve six North Dakota counties.[37]

Pennsylvania authorized the establishment of joint county hospitals for the care and treatment of contagious diseases; and certain North Carolina counties were empowered to coöperate with cities in providing hospital facilities for the poor. In Washington, provision was made for the joint operation of a tuberculosis hospital by King county and the city of Seattle. Michigan provided that two or more cities, townships, or villages, or any combination thereof, might incorporate a hospital authority to build and operate a community hospital; and a South Oakland hospital authority was reported to have been organized by ten local governmental units for that purpose.[38]

California authorized the establishment of airport districts comprising two or more counties; while Indiana and Colorado provided that counties may join with each other or with municipalities in acquiring and operating airports. Illinois authorized the establishment of joint housing authorities serving not less than two counties nor more than five. The Michigan state planning commission was empowered to establish regional planning commissions upon petition therefor by two or more local-government units or on its own initiative. The area served by a regional commission need not coincide with that of any governmental unit or group of units, but may "comprise a homogeneous region, based on but not limited to such considerations as topographic or geographic conformations, extent of urban development, the existence of special or acute agricultural, forestry, conservation, or other rural problems, uniformity of social or economic interests and values, or the existence of problems of physical, social, and economic planning of a regional character." North Carolina provided that counties may join with each other or with cities in establishing planning

[35] *Laws, Resolutions, and Memorials of Montana*, 1945, ch. 171; *Session Laws of Washington*, 1945, ch. 183.

[36] See this REVIEW, Vol. 38, p. 1106; Vol. 39, p. 1115.

[37] "Health Developments in 1945," *Municipal Year Book, 1946*, pp. 292–298.

[38] *Public Acts of Michigan*, 1945, no. 47; *Session Laws and Resolutions of North Carolina*, 1945, ch. 516; *Laws of Pennsylvania*, 1945, no. 326; "Health Developments in 1945," *loc. cit.*

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agencies. A city-county planning council was establish in Napa county, California, to serve the county and the three cities of Napa, Calistoga, and St. Helena.[39]

Kansas, where the county-unit highway system is optional, provided that in counties not operating under that system the county board may contract with township highway commissioners for the use of county machinery, equipment, and personnel on township roads. Idaho authorized weed-control agreements between counties and irrigation districts. Oregon counties were empowered to contract with each other or with cities in matters relating to mosquito eradication. The Alabama legislature provided that counties may join with each other or with municipalities in providing parks, playgrounds, and recreation centers. A Massachusetts law enables any governmental unit (defined as including cities, towns, and various special districts) to "enter into an agreement with one or more other governmental units to perform jointly or for such other unit or units any service, activity or undertaking which each contracting unit is authorized by law to perform." San Diego county, California, and the city of San Diego established a joint reference library for use by city and county officers and employees.[40]

IV. FINANCE

Budgeting and Accounting. Local budget laws applicable to counties were enacted in Colorado and Wyoming.[41] Special acts in Tennessee established budget systems for the counties of Hickman, Marshall, and Decatur, and designated the county judge as budget director in Obion county.[42] The operation of Nebraska's county-budget law of 1937[43] was commended by the Nebraska Federation of County Taxpayers Leagues, accomplishments claimed for the legislation including improved administration, reduced tax levies, and pay-as-you-go financing.[44] Colorado required boards of county commissioners to make annual inventories of county property, real and personal, and to maintain perpetual property record systems.[45]

[39] *Statutes of California*, 1945, ch. 1272; *Laws of Colorado*, 1945, ch. 4; *Laws of Illinois*, 1945, p. 940; *Laws of Indiana*, 1945, ch. 190; *Public Acts of Michigan*, 1945, no. 281; *Session Laws and Resolutions of North Carolina*, 1945, ch. 1040; *Public Management*, Vol. 27, p. 314 (Oct.-Nov., 1945).

[40] *General Laws of Alabama*, 1945, p. 565; *General Laws of Idaho*, 1945, ch. 168; *Kansas Session Laws*, 1945, ch. 274; *Acts of Massachusetts*, 1945, ch. 438; *Oregon Laws*, 1945, ch. 242; Elwyn A. Mauck, note in *National Municipal Review*, Vol. 34, p. 584 (Dec., 1945).

[41] *Laws of Colorado*, 1945, ch. 168; *Session Laws of Wyoming*, 1945, ch. 110.

[42] M. H. Satterfield, *loc. cit.*

[43] See this REVIEW, Vol. 32, p. 948.

[44] Elwyn A. Mauck, note in *National Municipal Review*, Vol. 34, pp. 315–316 (June, 1945).

[45] *Laws of Colorado*, 1945, ch. 105.

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Reserve Funds. As a phase of postwar financial planning, the states continued to enact legislation enabling counties, and usually other local units as well, to establish reserve funds. Among the states enacting such laws in 1945 were Colorado, Georgia, Nevada, New York, Oregon, Utah, and Washington.[46] The sources of these funds and the purposes for which they may be used vary from state to state. In most instances, they are to be derived from one or more of three sources: transfer of surplus funds thereto, special tax levies, and direct appropriations from the public treasury. Capital outlays, especially outlays for public works, constitute the purpose for which expenditures from reserve funds are most commonly authorized; but some states permit expenditures therefrom for various other purposes, including deferred maintenance, repairs, and debt retirement. States in which statutes of similar purport had previously been enacted include Arizona, California, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, North Carolina, and Pennsylvania.[47]

Purchasing. Certain counties in three states were provided with centralized purchas ng agencies by special statutes. A Washington law requires King county (Seattle) to contract for public works and to purchase supplies, materials, and equipment for county departments on a competitive basis. The board of county commissioners is required to appoint a county purchasing agent "who shall have had previous purchasing experience as purchasing agent of a commercial, industrial, institutional, or governmental plant or agency," and may establish central storerooms to be administered under his control. It is made the duty of the purchasing agent to maintain perpetual inventories of supplies and equipment and to report to the county commissioners, at least yearly and oftener if the board requires, "a balancing of the inventory record with the actual amount of supplies or equipment on hand." Purchases for the county hospital are excluded from the act's provisions, and in the case of other contracts and purchase orders involving less than $1,000 competitive bidding may be dispensed with at the discretion of the county board. The board is also empowered to waive the requirements of the act with respect to any contract or purchase in the event of an emergency.[48]

Montgomery county, Maryland, was provided with a purchasing bureau under a purchasing agent appointed by the board of county com-

[46] *Laws of Colorado*, 1945, ch. 93; *Acts and Resolutions of Georgia*, 1945, p. 393; *Statutes of Nevada*, 1945, ch. 234; *Laws of New York*, 1945, ch. 742; *Oregon Laws*, 1945, ch. 453; *Laws of Utah*, 1945, ch. 113; *Session Laws of Washington*, 1945, ch. 51. Cf. also *Wisconsin Session Laws*, 1945, ch. 418, empowering county boards to make appropriations, within prescribed limitations, "for postwar projects generally, without specific designation thereof, to be constructed or carried on by the county following the termination of the present war."

[47] Cf. H. Harrison Hemenway, "Municipal Reserve Funds," *Municipal Year Book*, 1946, pp. 191–192.

[48] *Session Laws of Washington*, 1945, ch. 61.

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missioners. All county departments and agencies are required to purchase their supplies, equipment, and materials through or with the approval of the purchasing agent, except that educational and technical supplies for the county board of education may continue to be purchased as that board may determine. On purchases of items valued in excess of $100, sealed bids are required, and where the value exceeds $500 there must be newspaper advertisement. In Tennessee, a purchasing agent or committee was established for Bedford, Decatur, and Monroe counties, and in the counties of McNairy and Obion the county judge was designated as purchasing agent.[49] A considerable number of states relaxed the regular purchasing procedures of local governmental units in the case of purchases of surplus property from the federal government.[50]

V. OPTIONAL FORMS OF GOVERNMENT

In North Dakota, where optional forms of county government have recently been made available for adoption by popular vote, a constitutional amendment was proposed to make it mandatory upon the county commissioners of any county having an assessed valuation of two and one-half million dollars or less to adopt without referendum one of the optional forms provided by statute.[51] Present laws offer to North Dakota counties three optional forms of government—a "consolidated office form," a "county manager form," and a "short form of county managership"—each of which is simpler and more centralized than the traditional system of county organization.[52] The proposed amendment apparently signifies legislative recognition of the fact that voluntary improvements will be effected by local units but slowly if at all, and that some degree of compulsion is necessary if low-valuation counties are to be provided with the simple and economical forms of government which they can afford to support.[53]

Georgia's new constitution makes it the duty of the general assembly to provide optional plans of county government, "some" of which shall include provision for the initiative, referendum, and recall.[54] Oregon counties were authorized to adopt the manager system.[55]

Nebraska's optional law under which township organization may be abandoned in favor of the county-commissioner plan was amended to permit counties in which township organization is discontinued to vote to

[49] *Laws of Maryland*, 1945, ch. 871; M. H. Satterfield, *loc. cit.*

[50] See *infra*, "Federal-Local Relations."

[51] *Laws of North Dakota*, 1945, ch. 150.

[52] See this REVIEW, Vol. 36, pp. 1123–1124.

[53] The proposal was defeated when referred to the voters in 1946. Elwyn A. Mauck, note in *National Municipal Review*, Vol. 35, p. 436 (Sept., 1946).

[54] *Constitution of Georgia* (1945), Art. XV, sec. 1.

[55] See *supra*, "County and Town Executives."

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have the same number of commissioners as there were supervisors in the county under the township system.[56] This will enable a county to abandon township organization and still retain the same size of county board (usually seven members) existing under the township system, whereas previously, upon adopting the commissioner plan, the board would have been reduced to three or five members. The amendment, it would seem, should lessen the opposition of county supervisors to township abandonment and thereby facilitate adoption of the simpler form of local government.

The Wisconsin legislature refused second approval to a proposal, which had been given first legislative endorsement in 1943, to amend the state constitution to permit optional forms of county government.[57]

VI. INTERGOVERNMENTAL RELATIONS

State-Local Relations. Statutory provisions for intergovernmental cooperation continued to multiply. California in a 1944 special legislative session and Pennsylvania in 1945 provided for state financial aid to counties and other local units in planning public works programs. The California statute appropriated ten million dollars for allocation to cities and counties for preparing surveys, plans, and specifications for proposed works projects and for the acquisition of rights-of-way and sites. The act is administered by an ex-officio postwar public works review board, to which applications for funds are submitted by local units. The state is authorized to pay up to half the cost of preparing plans for specific projects, and of securing rights-of-way and sites for projects in which there is a state-wide interest. The latter may include, but are not limited to, highways, major city streets, street and highway structures, and sewage treatment and disposal plants. Pennsylvania's postwar planning commission was authorized to enter into agreements with political subdivisions to pay 50 per cent of the cost of preparing detailed plans and specifications for public works projects, preliminary plans for which have been submitted to and approved by the commission. The Pennsylvania statute carried an appropriation of a million dollars.[58]

State agencies were charged in several instances with assisting local units in the acquisition of federal surplus property. In Washington, the state director of finance, budget, and business, acting through the division of purchasing, was authorized to acquire surplus property from the United States on behalf of any political subdivision. A revolving fund of

[56] *Laws of Nebraska*, 1945, ch. 42.

[57] Edward W. Weidner, "County Reform Run-Around," *National Municipal Review*, Vol. 34, pp. 386–392, 400 (Sept., 1945). A similar proposal had been given first legislative approval in 1939 only to fail of re-passage two years later.

[58] *Statutes of California*, 1944 (4th spec. sess. of 55th legislature), ch. 47; *Laws of Pennsylvania*, 1945, no. 413.

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five million dollars was established from which money may be advanced to state departments and local-government units to finance purchases of such property. New Hampshire provided that the state purchasing agent may, upon request of the appropriate local governing body, purchase equipment, materials, or supplies from the federal government on behalf of any county, city, or town. Michigan's state administrative board was authorized to provide "such service as seems feasible" to counties and other local governments for the purpose of supplying to such units information concerning surplus property, the availability of stock, and procedures to be followed in its acquisition. Kansas established an ex-officio state surplus property board to assist state and local governmental agencies in making purchases from the federal government. In Arkansas, the state purchasing agent was empowered to enter bids for federal property on behalf of political subdivisions when authorized by them to do so.[59]

The state-owned Bank of North Dakota was authorized to make loans to counties which are unable to raise sufficient funds under existing tax laws to enable such counties to carry on primary governmental functions and pay their mandatory obligations. Such loans must have the approval of the state industrial commission, and a borrowing county is required to levy an annual tax sufficient to repay the debt with interest at maturity. The tax so levied may not exceed three mills on the dollar, and is in addition to all general and special levies previously authorized. Pennsylvania state agencies were empowered to aid local redevelopment authorities in the elimination of blighted areas through grants or loans of money and by contracting to furnish to the local authorities parks, playgrounds, streets, and other improvements and facilities. In North Carolina, it was made the duty of a newly-established state recreation commission to coöperate in the promotion and organization of local recreational systems in counties, townships, and other political subdivisions of the state. The state commission is also to aid the local units in designing and laying out recreational areas and facilities, and to advise them in the planning and financing of recreation programs. Oregon's new civil service law authorized the state civil service commission to enter into agreements with political subdivisions to furnish to the local units, on a cost basis, services and facilities in personnel administration.[60]

In New Hampshire, the finances of Coos county were placed under the control of a fiscal agent appointed by the governor and council. The fiscal agent is empowered and directed to "supervise and direct the incurring

[59] *Acts of Arkansas*, 1945, no. 20; *Kansas Session Laws*, 1945, ch. 315; *Public Acts of Michigan*, 1945, no. 190; *Laws of New Hampshire*, 1945, ch. 116; *Session Laws of Washington*, 1945, ch. 205.

[60] *Session Laws and Resolutions of North Carolina*, 1945, ch. 757; *Laws of North Dakota*, 1945, ch. 297; *Oregon Laws*, 1945, ch. 400; *Laws of Pennsylvania*, 1945, no. 383.

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of obligations, against and the expenditure of all funds which may be raised and appropriated for the benefit" of, the county. No county officer may incur any obligation on behalf of the county or spend any county money without the approval of the fiscal agent. The statute is to be effective from April 1, 1945, to April 1, 1947, with the provision that an advisory referendum on its extension shall be held in the county at the 1946 election.[61]

Federal-Local Relations. In at least three states—North Dakota, Utah, and West Virginia—counties and other local units were empowered to accept federal grants for airports and to coöperate with federal agencies in constructing and operating airport facilities. Kansas counties traversed or touched by the Arkansas river were authorized to coöperate with the federal government in the construction and maintenance of flood-control projects. Idaho empowered boards of county commissioners to convey to the United States, for whatever consideration the commissioners may determine, county-owned real estate needed by federal agencies for electric transmission or distribution lines. Counties and other local units in Montana were authorized to borrow federal funds, under the terms of the War Mobilization and Reconversion Act, for financing surveys, plans, and specifications for public works projects other than housing.[62]

To facilitate the purchase by local governments of federal surplus property made available to them, more than a third of the states enacted legislation empowering counties, townships, and other political subdivisions to make such purchases without regard to the usual statutory restrictions.[63] The waiver of restrictions usually applies to the purchase, lease, or other acquisition from the United States or any agency thereof of supplies, equipment, materials, or other property real or personal. In most instances, the laws specifically enumerate the normal requirements which may be disregarded in the purchase of federal property. Most frequently waived are requirements for (1) posting of notice, (2) public advertising, (3) inviting or receiving of competitive bids, and (4) delivery of property purchased before payment. A few of the laws make waivers of a

[61] *Laws of New Hampshire*, 1945, ch. 32.

[62] *General Laws of Idaho*, 1945, ch. 33; *Kansas Session Laws*, 1945, ch. 391; *Laws, Resolutions, and Memorials of Montana*, 1945, ch. 65; *Laws of North Dakota*, 1945, ch. 39; *Laws of Utah*, 1945, ch. 9; *Acts of West Virginia*, 1945, ch. 6.

[63] *Acts of Arkansas*, 1945, no. 20; *Laws of Delaware*, 1945, ch. 71; *Acts and Resolutions of Georgia*, 1945, p. 394; *General Laws of Idaho*, 1945, ch. 161; *Kansas Session Laws*, 1945, ch. 315; *Laws of Maryland*, 1945, ch. 749; *Session Laws of Minnesota*, 1945, ch. 167; *Laws, Resolutions, and Memorials of Montana*, 1945, ch. 156; *Statutes of Nevada*, 1945, ch. 43; *Laws of New Mexico*, 1945, ch. 12; *Session Laws and Resolutions of North Carolina*, 1945, ch. 144; *Laws of North Dakota*, 1945, ch. 147; *Oregon Laws*, 1945, ch. 112; *Acts and Resolves of Rhode Island*, 1945, p. 181; *Public Acts of Tennessee*, 1945, ch. 16; *Acts of Virginia*, 1945 (spec. sess.), ch. 35; *Session Laws of Washington*, 1945, ch. 88.

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more general nature, those of Delaware and Montana, for example, merely stipulating that purchases may be made from the federal government without regard to usual statutory procedures. The Tennessee statute provides that political subdivisions may purchase federal surplus property "in such manner and on such terms as may be agreed upon between the seller and the buyer, including the right to exceed budget limitations" where such exist.

VII. RESEARCH

Legislative interest in the improvement of local government was further evidenced in several states by the establishment of survey or investigating agencies to conduct studies and make reports and recommendations. The provision for school surveys in certain states has already been noted.[64] New York extended for another year the life of a temporary commission created in 1944 to revise the laws relating to counties.[65]

In Wisconsin and New Hampshire, interim committees were established to study county government and report their findings and recommendations to the 1947 legislative sessions. The Wisconsin committee consists of three senators, five assemblymen, and five lay citizens. Legislative members of the committee are chosen as are members of standing committees of their respective houses. Lay members are appointed by the governor and are required to be citizens "who have made a particular study of or have demonstrated interest in the subject of county government." The committee is vested with broad authority to study county government in all its phases. In the preamble of the joint resolution establishing the committee, particular reference is made to the need for study of the structure of county government in Wisconsin, the relationship between constitutional provisions and this structure, and the experience of other states in the modification of their constitutions and the organization of their county governments. The committee is empowered to subpoena witnesses and records, and it is made the duty of all state and local officers to coöperate with the committee in its work.[66] As the committee has actually been constituted pursuant to the resolution, four of the eight legislative members are or have been members of county boards and another, Assemblyman Palmer F. Daugs, has in previous years sponsored various county-reform measures before the legislature. The lay members include persons affiliated with the League of Women Voters, the Milwaukee City Club, the Wisconsin Citizens Public Expenditure Survey, and the extension division of the state university. By the summer of 1946, the committee had held several meetings in Madison and one in Milwaukee at which persons identified with various phases of county

[64] *Supra*, "Areas—Consolidation."
[65] *Laws of New York*, 1945, ch. 8. See this REVIEW, Vol. 39, p. 1117.
[66] *Wisconsin Session Laws*, 1945, p. 1170.

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government had testified, and it was expected that the drafting of committee recommendations would soon be begun.[67]

New Hampshire's interim committee consists of "seven competent persons" appointed by the governor and council. It is the duty of the committee to study and analyze "existing laws and methods relating to the general subject of county government, and its relationship with state and local government." A part of this study is to be "a survey of the entire matter of the settlement laws of this state, and their relationship to the laws of other states." The committee is empowered to establish subcommittees from its own membership or otherwise; to summon witnesses and require the production of papers and reports; to employ necessary legal, clerical, stenographic, and other personnel; and to require assistance of state departments.[68]

The Alabama legislature created two study agencies. One of these was an advisory commission to study and report on the feasibility of reorganizing local government in Jefferson county (Birmingham). The commission's membership is comprised of representatives of county and city governments and of various civic, trade, and professional organizations. It is made the duty of the commission to "investigate, study and report to the legislature upon the following questions: 1. Shall the government of such county and any one or more of the municipalities therein be consolidated? 2. Shall the school districts or school systems in such county be consolidated into one system? 3. Should such county be subdivided into two or more counties, or should any divisions now existing therein with respect to the administration of the county's business be eliminated?" The commission is authorized to employ necessary technical personnel and to call upon state agencies for assistance. A report of its findings is to be made to the 1947 legislative session. The other Alabama agency was a joint interim committee, consisting of three members from each of the legislative houses, established to make a complete and detailed study of the laws providing revenue for the state and its counties and municipalities. The committee is empowered to employ a research director, subordinate personnel, and consultants, at such salaries as may be approved by the governor. It is charged with making a complete report of its findings, together with specific recommendations for improving the revenue systems.[69]

In Iowa, a special committee on postwar taxation, consisting of legislative and lay members, was created to study state and local taxation and report its recommendations, including drafts of proposed bills, to the governor and legislature.[70]

[67] C. K. Alexander, "Wisconsin Interim Committee Plans Legislative Report," *National Municipal Review*, Vol. 35, pp. 376–377 (July, 1946).

[68] *Laws of New Hampshire*, 1945, ch. 231.

[69] *General Laws of Alabama*, 1945, pp. 496, 545.

[70] *Acts and Joint Resolutions of Iowa*, 1945, ch. 259.

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FEDERAL EXECUTIVE REORGANIZATION RE-EXAMINED: A SYMPOSIUM, II*

IV. ADJUSTING THE DEPARTMENTAL SYSTEM

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I

Structural reorganization of the administrative departments and independent agencies of the national government has been on the agendas of the President and Congress almost continuously since World War I. A brief review of the principal developments during the period between the two wars will give us perspective as we undertake to present the problem in its current setting.[1]

Congress, by joint resolution of December 29, 1920 (41 Stat. 1083), created a Joint Committee on the Reorganization of the Administrative Branch of the Government. By joint resolution of May 5, 1921 (42 Stat. 4), the President was authorized to appoint a representative of the executive department to coöperate with this committee; and this representative subsequently became the committee's chairman. At the request of the committee, President Harding submitted a reorganization plan which was notable for its proposals to consolidate the War and Navy Departments into a Department of Defense, to transfer agencies concerned with public works to the Department of the Interior under an Assistant Secretary, and to create a new Department of Education and Welfare.

In his letter of transmittal, the President spoke of the difficulties encountered in reconciling the conflicting views of department heads, but reported that the proposed changes with few exceptions, mainly that of consolidating all agencies of national defense, had the sanction of the cabinet.[2] Extensive hearings were conducted by the joint committee during January, 1924, at which the conflicting views referred to by the President were brought into the open, and various interested citizens and organizations submitted additional or opposing proposals.[3] In its final

* Planned and arranged by Fritz Morstein Marx, Washington, D.C. The first three articles in this symposium appeared in the preceding issue of the REVIEW.

[1] For detailed accounts of structural changes and proposals, see Lewis Meriam and Laurence F. Schmeckebier, *Reorganization of the National Government* (Washington, 1939), pp. 181 ff.; and the articles by Dr. Schmeckebier in this REVIEW, 1933 to 1941.

[2] Senate Doc. No. 302, 67th Cong., 4th Sess., Feb. 13, 1923.

[3] One of the most interesting individual plans was submitted by C. E. McGuire,

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report to Congress, the joint committee endorsed most of the changes recommended by the President, the notable exception again being the proposed Department of Defense.[4] No action was taken by Congress on the recommendations contained in this report, but they did serve as a basis for continuing discussions of the problem.

II

In response to repeated recommendations by President Hoover for reorganization legislation, the House of Representatives created an Economy Committee in February, 1932, whose subsequent proposals were enacted into law as Part II of the appropriation act approved June 30, 1932 (47 Stat. 413).[5] This act effected a number of administrative transfers and consolidations, but its most significant section gave the President sweeping authority to make additional changes by executive order subject to a veto by either house of Congress within sixty days of the transmission of the order to that body.

President Hoover, acting on this authority, on December 9, 1932, issued several reorganization orders, which, among other things, consolidated public-works agencies and educational, health, and recreational agencies in the Department of the Interior under assistant secretaries; transferred the General Land Office from the Interior Department to the Department of Agriculture and the Weather Bureau from the Department of Agriculture to the Commerce Department; and transferred to the Budget Bureau the Bureau of Efficiency and the accounting functions of the General Accounting Office. A newly elected House of Representatives, with the Democratic party in control, voted in January, 1933, to disapprove these executive orders.[6] Again, the reorganization efforts came to naught, though the subject would not stay down.

The President's power to reorganize was modified in an appropriation

assistant to the director of the Institute of Economics, later a division of the Brookings Institution. He had previously outlined his ideas in an article in the *Harvard Graduates' Magazine* for June, 1920. His plan called for an Executive Secretariat to provide departmental liaison for the President, for seven administrative departments (State, Treasury, Commerce, Industry and Communication, National Defense, Justice, Agriculture, and Public Welfare), and for a Council of Independent Establishments. See Joint Committee on the Reorganization of the Administrative Branch of the Government, Hearings, 68th Cong., 1st Sess., Jan. 7–31, 1924, pp. 237 ff.

[4] House Doc. No. 356, and Senate Doc. No. 128, 68th Cong., 1st Sess., 1924.

[5] For President Hoover's special message, see House Doc. No. 254, 72d Cong., 1st Sess., 1932. The Economy Committee's report was printed as House Rep. No. 1126, 72d Cong., 1st Sess., 1932.

[6] For the content of President Hoover's orders and supporting reasons, see House Doc. No. 493, 72d Cong., 2d Sess., 1933; also Meriam and Schmeckebier, *op. cit.*, pp. 191 ff.

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act approved March 3, 1933 (47 Stat. 1517), to permit him to abolish the whole or any part of an executive agency and any of its functions, except that this authority did not extend to the abolition of an entire department. Furthermore, the congressional veto of reorganization orders was omitted. Unlike the act of 1932, however, the President's power was limited to two years.

Under this act, President Roosevelt made a number of significant structural changes, such as the consolidation of agricultural credit agencies in a Farm Credit Administration; the creation of an Office of National Parks, Buildings, and Reservations in the Department of the Interior; the transfer of the functions of the Federal Board for Vocational Education to the Interior Department, where they were assigned to the Office of Education; the creation of divisions of Disbursement and Procurement in the Treasury Department; the abolition of the Shipping Board and the transfer of its functions and those of its subsidiary Fleet Corporation to the Department of Commerce; the abolition of the Bureau of Prohibition in the Department of Justice and the transfer of its functions to other agencies; the consolidation of the Immigration and Naturalization Bureaus in the Department of Labor; and the abolition of the Federal Coördinating Service under the Budget Bureau.[7] Several later changes were effected by President Roosevelt under authority of the act of 1933, perhaps the most significant of which created a Division of Territories and Insular Possessions in the Department of the Interior.[8] Still further changes occurred under authority of other statutes, such as the creation of the National Resources Board and the National Emergency Council; the transfer of duties to the Resettlement Administration, subsequently placed in the Department of Agriculture and still later renamed Farm Security Administration; and the transfer of the Soil Conservation Service from the Interior Department to the Department of Agriculture.

III

The President's power to effect reorganizations expired on March 3, 1935. Extensive use had been made of it, but a marked expansion of national activities during the same two-year period further complicated the problem, and the over-all departmental system had not been touched. Significant steps in this direction were taken by Congress and the President during the years from 1936 to 1939. Special Senate and House committees to investigate the executive agencies of the government were created in 1936, and later a Joint Committee on Government Reorganiza-

[7] Most of these changes were effected by Executive Order No. 6166 of June 10, 1933, and its subsequent amendments. Cf. House Doc. No. 69, 73d Cong., 1st Sess.

[8] Executive Order No. 6726 of May 29, 1934, House Doc. No. 390, 73d Cong., 2d Sess.

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tion was formed. The President also appointed a committee early in 1936 which came to be known as the President's Committee on Administrative Management.

The Senate Committee employed the Brookings Institution to study "the organization and administration of existing functions" and to make "recommendations regarding the improvement of their administrative performance." The Brookings report, submitted in final form as a single document on August 16, 1937, reviewed the whole problem of federal administrative reorganization, and in a series of functional studies offered suggestions for specific consolidations and transfers which might be made. The most noteworthy suggestions, for the purposes of this paper, aimed at the consolidation of electric-power activities under the supervision of a single agency, either the present Federal Power Commission or a new Federal Power Administration; the consolidation of promotional activities in the field of transportation in either a new Department of Transportation or a Division of Transportation in the Department of Commerce; and the creation of a Department of Welfare, to include existing activities in the fields of labor, education, public health, and relief. Should such a welfare department be created, the report suggested the possibility of giving labor representation in the President's cabinet through a secretary without portfolio.

Proposals for a separate public-works agency to undertake all engineering and construction work were rejected. With reference to the numerous problems involved in organizing administration in the overlapping fields of the public domain and agriculture, the report offered several alternatives: (1) the concentration of all public-land agencies in the Interior Department; (2) the placing of all such agencies in the Department of Agriculture; and (3) the consolidation of these two departments in a Department of Land Use.[9]

The report of the President's Committee on Administrative Management was transmitted to Congress by President Roosevelt on January 12, 1937. Though addressed primarily to the problem of increasing the effectiveness of the Office of the Chief Executive as the center of managerial authority and responsibility in the national government, the report made a number of significant recommendations relative to the problem of departmental reorganization. Proceeding on the premise that "the primary purpose of a rational organization of the administrative agencies of the Executive Branch of the Government is to reduce to a manageable compass the number of agencies reporting to the President," the committee recommended: (1) that two new departments be created,

[9] Senate Rep. No. 1275, 75th Cong., 1st Sess. For a summary of this report, see Lloyd M. Short, "An Investigation of the Executive Agencies of the United States Government," in this REVIEW, Vol. 33 (1939), pp. 60 ff.

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namely, a Department of Public Welfare and a Department of Public Works, and that the name of the Department of the Interior be changed to Department of Conservation; (2) that all administrative activities of the government be accommodated within the twelve departments; (3) that the President be given authority and responsibility for the continuous reorganization of the government within the departmental structure; (4) that internal departmental organization follow the general pattern recommended for the government as a whole; (5) that the administrative work of the independent regulatory commissions and boards be transferred to a regular department, with a multiple-member body within the department to deal with judicial work; and (6) that government corporations likewise be brought within the departmental system as semi-autonomous divisions.[10]

Bills were introduced in both houses of Congress embodying these and other recommendations of the President's Committee. After extended hearings and debate during 1937 and 1938, a Reorganization Act was passed and approved on April 3, 1939 (53 Stat. 561). Its principal provisions authorized the President (1) to appoint not to exceed six administrative assistants, and (2) to prepare reorganization plans effecting transfers, consolidations, and abolitions of governmental agencies, which plans would become effective if not disapproved by a concurrent resolution passed by the two houses of Congress within sixty days after the transmittal of such plans. The ten departments as such, and the independent regulatory commissions and a number of other independent agencies in their entirety, were exempted from this authority, which was to expire on January 21, 1941.[11]

Five reorganization plans were submitted by President Roosevelt during 1939 and 1940. The principal changes made by these plans, none of which was disapproved by Congress, may be summarized as follows. Plan 1 transferred the Budget Bureau and the National Resources Committee to the new Executive Office of the President; shifted the Farm Credit Administration to the Department of Agriculture; and created a Federal Security Agency, a Federal Works Agency, and a Federal Loan Agency, with resulting reduction in existing separate units. Plan 2 transferred the foreign services of the Departments of Commerce and Agriculture to the Department of State; placed the independent Rural Electrification Administration in the Department of Agriculture; and transferred a number of bureaus from one department to another, including the Inland Waterways Corporation from the War Department to the Depart-

[10] President's Committee on Administrative Management, *Report with Special Studies* (Washington, 1937), pp. 31 ff.

[11] For a history of the several proposed reorganization bills, see Meriam and Schmeckebier, *op. cit.*, pp. 222 ff.

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ment of Commerce. Plan 3 consolidated certain Treasury functions in a Fiscal Service under the direction of a permanent Fiscal Assistant Secretary; merged the Bureau of Fisheries and the Bureau of Biological Survey, previously transferred to the Interior Department from the Departments of Commerce and Agriculture, respectively, into a Fish and Wildlife Service; and joined the Division of Marketing of the Agricultural Adjustment Administration and the Federal Surplus Commodities Corporation in the Department of Agriculture into a Surplus Marketing Administration. Plan 4 transferred both the independent Civil Aëronautics Authority and the Weather Bureau in the Department of Agriculture to the Department of Commerce and moved the Food and Drug Administration from the Department of Agriculture to the Federal Security Agency. Plan 5 transferred the Immigration and Naturalization Service from the Department of Labor to the Department of Justice.[12]

IV

World War II brought many new agencies into the national administrative system, most of which were created by executive orders issued under the war powers legislation or by virtue of the President's authority as commander-in-chief of the armed forces. The new agencies, with few exceptions, were established outside the regular departmental system, though all federal agencies participated in varying degree in the total war effort. Perhaps the most significant development of the war period was the extensive use of coördinating agencies designed to achieve more effective teamwork and to reduce the number of persons reporting directly to the President. It is as yet too early to assess the full impact of our wartime administrative experience upon the government's peacetime organization.[13]

In response to the request of President Truman, Congress passed the Reorganization Act of 1945, approved December 20 (Public Law No. 263, 79th Cong., 1st Sess.). This act again confers on the chief executive for a limited time—until April 1, 1948—authority to transfer, consolidate, and abolish executive agencies and functions, subject to congressional

[12] For the full text of these plans, see House Docs. Nos. 262, 288, 76th Cong., 1st Sess., and House Docs. Nos. 681, 692, and 784, 76th Cong., 3d Sess. See also U. S. Code, Tit. 5, par. 133t. It may be added that Congress, by act of February 24, 1945 (59 Stat. 5), voted to restore independent status to the Federal Loan Agency, which in 1942 had been transferred to the Department of Commerce by Executive Order No. 9071.

[13] For commentaries on administrative organization in wartime, see Louis Brownlow, "Reconversion of the Federal Administrative Machinery from War to Peace," *Public Administration Review*, Vol. 4 (1944), pp. 309 ff.; Luther Gulick, "War Organization of the Federal Government," in this REVIEW, Vol. 38 (1944), pp. 1166 ff.

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veto within sixty days. On May 16, 1946, three reorganization plans were submitted by the President to Congress. They aimed to consolidate housing activities on a permanent basis under the wartime National Housing Agency; to abolish the Social Security Board and to transfer its functions, together with the welfare functions of the Children's Bureau in the Department of Labor and certain additional units, to the Federal Security Agency; and to effect other changes.[14] All three plans were disapproved by the House of Representatives, but the Senate disapproved only Plan 1 concerned primarily with the integration of housing activities,[15] thus causing Plans 2 and 3 to become effective.

V

The one major change in the departmental system which has been widely discussed both during and since the close of World War II is that of a single Department of National Defense. Wartime problems of coördination, the expansion of the air forces of both the Army and the Navy, and the obvious advantages of planning through the Joint Chiefs of Staff in Washington and unified command in the several theaters of war have greatly strengthened the arguments in favor of merger, strongly supported by President Truman. Congressional consideration of the proposal over a period of several months, during which Navy opposition was reflected also in a hostile attitude on the part of the members of the Senate and House committees on naval affairs, eventually culminated in the drafting of a bill by a subcommittee of the Senate Committee on Military Affairs. The bill called for a single Department of Common Defense, with one Secretary and one Chief of Staff.

Sharply rebuking Navy antagonism toward the merger, President Truman called on the Secretaries of War and Navy to make a sincere effort to settle their differences. A report submitted by them to the President and his reply to it were transmitted by him to the congressional committees on June 15, 1946. Agreement was reached on a number of important points, but not on the over-all departmental structure. On this question the President compromised with Navy opposition by proposing a Department of National Defense with a single civilian Secretary who would be a member of the cabinet; however, under him each of the three coördinate services—Army, Navy, and Air—would be headed by civilians

[14] For the text of these plans, see House Docs. Nos. 594, 595, and 596, 79th Cong., 2d Sess., 1946.

[15] For congressional committee action, see House Con. Res. Nos. 151, 154, and 155, and Senate Con. Res. Nos. 64, 65, and 66, 79th Cong., 2d Sess.; hearings before the House Committee on Expenditures in the Executive Departments, 79th Cong., 2d Sess., on House Con. Res. Nos. 151, 154, and 155 (June, 1946); House Reps. Nos. 2326, 2327, 2328, and Senate Reps. Nos. 1670, 1671, and 1672, 79th Cong., 2d Sess.

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also with the title of "Secretary" though not members of the cabinet. The plan for a single Chief of Staff was given up in favor of Joint Chiefs of Staff. The President subsequently conceded reluctantly that even this compromise plan had no chance of being acted upon by Congress before its adjournment in the summer of 1946.[16]

VI

The record of departmental reorganization between the two wars reveals congressional acceptance, at least in principle, of the need for continuous study of the problem and presidential initiative in submitting specific proposals for change. Although a large number of such changes have been made, it is equally obvious that neither the President nor Congress has actually come to grips with the fundamental issue. This issue involves nothing less than accommodation of the departmental system to the increasing number and variety of administrative functions. Such accommodation presents serious questions as to (1) the number and jurisdiction of executive agencies; (2) the grouping of administrative units within the agencies; and (3) the limited span of control of the chief executive even when aided by staff agencies and assistants. The report of the President's Committee on Administrative Management devoted a good deal of attention to these matters, without receiving much consideration.

The advantages to be derived from a relatively small number of large departments with jurisdictions including several closely related functions, as contrasted with a larger number of unifunctional departments, have claimed the thought of students of administrative organization. Supporters of the first alternative point to the much reduced number of individuals reporting directly to the chief executive, and to the possibility of achieving the desired coördination intradepartmentally with much less resistance and loss of time. Advocates of the second alternative insist that large departments tend toward top-heaviness, with additional layers of authority and responsibility; that the heads of such departments lose intimate contact with the actual work being performed; that the problem of span of control reappears within the departments; and that the need for coördination can be met through the medium of interdepartmental committees.[17] Attention also has been paid to the experience of other countries, notably Great Britain and Germany, in divorcing to a considerable extent responsibility for large operating bureaus from responsibility for administrative planning and policy formation, and in developing a hierarchy within the departments which will permit a very substantial

[16] On this subject, see *New York Times*, Apr. 14 and June 16, 1946.

[17] For discussions of these alternatives, see Schuyler C. Wallace, *Federal Departmentalization* (New York, 1941), ch. III, and Meriam and Schmeckebier, *op. cit.*, pp. 159 ff.

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delegation of responsibility and a reduction in the number of subordinates reporting to the department head.[18]

One of the most concrete suggestions concerning the problem of reconstituting the departmental system is that of Mr. E. Charles Woods, contributed with special reference to the relation of this problem to the war effort. He would reduce the number of departments to seven—National Defense, Civilian Mobilization, Public Welfare, Finance and Economics, Foreign Relations, Justice, and Administrative Management and Planning—with a further possibility of placing the Department of Justice and the independent regulatory commissions under the Department of Public Welfare. Mr. Woods points out that the heads of these departments should be coördinators and planners rather than line supervisors, and should possess great social vision, analytical ability, and administrative talent.[19] An alternative to such an attempt to compress all administrative activities into a small number of great departments would be to provide additional unifunctional departments beyond the present ten as need for them is demonstrated, the necessary coördination between them to be secured from a more effective cabinet, served by a permanent secretariat, and a series of interdepartmental committees.[20] Sir John Anderson, in a notable address delivered at Oxford University in May, 1946, entitled "The Machinery of Government," rejects proposals for a system of supervisory ministers in British administration as a means of achieving coördination and a reduction in the burden upon the Prime Minister; instead, he favors a system of cabinet committees.[21]

Marshall Dimock, insisting that "inadequate coördination is the greatest defect of American national government," proposes still another solution. He would make the Vice President an operating executive, "who would coördinate the administrative branch under policies and directives

[18] Cf. Arnold Brecht and Comstock Glaser, *The Art and Technique of Administration in German Ministries* (Cambridge, 1940), esp. chs. II–VI. See also *Summary of Discussions on the Streamlining of Departmental Headquarters*, Special Committee on Comparative Administration, Committee on Public Administration, Social Science Research Council (May 29, 1945), mimeo.

[19] E. Charles Woods, "A Proposed Reorganization of the Executive Branch of the Federal Government," in this REVIEW, Vol. 37 (1943), pp. 476 ff. Another wartime proposal for drastic reorganization called for a cabinet of seven departmental secretaries—War and Navy, Commerce and Labor, Agriculture and Interior, State, Treasury, Justice, and Post Office. See Abbott Pulliam, *War Management in Washington*, Citizens' Bureau of Governmental Research of New York State (Sept., 1942).

[20] For a thoughtful discussion of this alternative, see Arthur W. Macmahon, "The Future Organizational Pattern of the Executive Branch," in this REVIEW, Vol. 38 (1944), pp. 1187 ff.

[21] Printed in part in the *Whitley Bulletin* for June, 1946, p. 48. See also the interesting editorial comment on this address from the *London Times*, *ibid.*, pp. 48–49.

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decided upon after consultation with the President."[22] In this connection, our recent experience with the Office of War Mobilization and Reconversion may well have a bearing upon future developments.

Whether the national departmental system will come to consist of more or fewer major organizational units, and whatever may be the devices employed for the coördination of the activities of such units, the basic problem of allocating operating functions in a rational manner will remain. The creation of new departments or the reassignment of functions among existing agencies will, and should, reflect changing emphases in national policy and the urgencies of the time. Just as the demand for greater economic security during the thirties and the pressure for governmental action in the field of housing before, during, and after the war led to the establishment of new agencies and the refocusing of existing activities, so will other functions emerge or take on new significance. Organizational patterns must be adjusted accordingly.

Thus, the all-important area of international affairs has necessitated a greater concentration of governmental activities affecting our relations with other countries and with the United Nations. The tremendous expansion of air transportation which is expected to occur will assuredly influence existing organizational arrangements and the assignment of promotional and regulatory functions in the entire field of transportation. The persistent problems of defining more clearly the rôle of the federal government in the field of industrial relations and of institutionalizing more effectively organized labor's participation in national administration have already resulted in some realignments, and are likely to require more.

This essential and continuing task of functional grouping and regrouping likewise affects the internal structure of executive agencies. Never easy, because of legislative, administrative, and external pressures to maintain the *status quo*, the job is made less difficult when, as in the case of such departments as State and Agriculture, Congress has been willing to forego the prerogative of establishing bureaus, offices, and divisions by statute.[23]

VII

In conclusion, reference should be made to the increasingly significant problem of organizing and supervising the far-flung field services of our national agencies. Beginning with the report of the National Resources Committee on regional factors in national planning and the work of

[22] "Administrative Efficiency Within a Democratic Polity," in *New Horizons in Public Administration* (University, Ala., 1945), pp. 37–38.

[23] For an interesting discussion of intradepartmental organization within the Department of State, see Arthur W. Macmahon, "Function and Area in the Administration of International Affairs," *ibid.*, pp. 119 ff.

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James Fesler for the President's Committee on Administrative Management, some excellent studies of this subject have been made addressed to such phases as the delineation of geographical areas of administration and the location of field offices; the organization and rôle of an office of field operations at departmental headquarters; the integration of field services, both interdepartmentally and intradepartmentally; the factors which govern the degree to which operations can be and should be decentralized; the relative advantages of supervision of field offices by specialized divisions or bureaus at departmental headquarters as distinguished from a single office of field operations; and the relationship of central staff or auxiliary units to line units in the field.[24] These studies appear to point rather conclusively to the need for, and the possibilities of, a much greater degree of decentralization than has characterized the structure and operations of federal administrative agencies in the past. Equally challenging is the need to develop techniques and procedures for coördinating field activities; communicating headquarters objectives and policies to the field; and reconciling a large measure of decentralized authority and responsibility with a basic minimum of central supervision and control. As William Carey puts it, "the administrator must delegate and decentralize while perfecting his tools for control and supervision."[25]

V. SYSTEMATIZING CONGRESSIONAL CONTROL

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I

Ours is a government of "checks and balances." It is the traditional concept which Montesquieu propounded in saying: "There can be no liberty where the legislative and executive powers are united in the same person, or body of magistrates." One of the knottiest problems in the science of democratic government is that of reducing this basic theory of separated powers to a workable and efficient system. It requires the establishment of a proper balance, and devices of coördination that

[24] Some of the more recent contributions to the literature on this subject are: *Washington-Field Relationships in the Federal Service*, by Donald C. Stone and Others, Graduate School, United States Department of Agriculture (Washington, 1942); *Federal Field Offices*, Legislative Reference Service, Library of Congress, Senate Doc. No. 22, 78th Cong., 1st Sess., 1943; Earl G. Latham, "Executive Management and the Federal Field Service," *Public Administration Review*, Vol. 5 (1945), pp. 16 ff.; William C. Carey, "Control and Supervision of Field Offices," *ibid.*, Vol. 6 (1946), pp. 20 ff.; and John D. Millett, "Field Organization and Staff Supervision," in *New Horizons in Public Administration*, cit. above, pp. 96 ff.

[25] Carey, *loc. cit.*, p. 20.

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facilitate action but do not disturb the balance of powers. It also requires formal methods of procedure.

This is a problem peculiar to democracy. Dictatorships, oligarchies, or any other forms of government asserting power on their own authority are concerned only incidentally with the procedures and formalities of governing. Methods are changed at will. Stability is attained by whatever continuity is established in the decrees and programs of the ruling group. By contrast, our democracy must accommodate itself to changing conditions through a process of amending organizational frameworks. Stability depends more on our system of procedures than on the people currently operating the government.

For a proper balance, there must be, on the one hand, reasonable protection against ill-advised action and the usurpation of power by any minority. On the other hand, democracy cannot countenance a stalemate, a slowdown, or inefficient government resulting from an exaggerated checkmating of powers. Checks and balances are brakes that can do both good and ill, depending on how they are applied. Too often we have had the wholly negative approach, without any emphasis on the necessary coördination and coöperation between independent branches of government.

II

As a matter of practical application in government, the experience of the last 150 years indicates that the line of separation is sometimes difficult to draw. This was recognized at the outset by Madison when he observed: "The degree of separation which the maxim requires, as essential to a free government, can never in practice be duly maintained." However, throughout our history as a nation, we have accepted the theory of separated powers as one of the basic principles of our government. With the passage of time, during which governmental activities expanded continuously, two situations have developed that impinge directly on the separation of powers.

First, the size of government has grown to the point where large delegations of power must be made to agencies and individuals subordinated to Congress, the President, and the Supreme Court. The tendency has been for the executive branch to absorb many secondary legislative and judicial powers. Together with the partial erasure of separated powers on the administrative level, there also has been a tendency to delegate certain powers with authority of final action.

In the administration of wartime powers, for example, some of the federal agencies were given a scope of authority which precluded appeals to the courts or higher executive authority. Even in peacetime, administrators are frequently granted unusual powers in making findings and decisions. In general, the administrative departments have assumed a

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mixture of legislative, executive, and judicial functions in carrying out the complex duties that have developed with an expanding government in a highly diversified society.

However, the amalgamation of powers on the lower administrative levels does not of necessity weaken the basic theory. It is by means of the delegation and divestment of the laborious duties connected with less essential details that Congress and the President can better equip themselves to perform a stronger rôle and better maintain our constitutional system.

The second situation affecting the separation of powers is likewise an outgrowth of the expanded activities of government and the accelerated pace of modern industrial life. In days when the government played a lesser rôle and when the pace of living was slower, it was of no particular consequence that our governmental system lacked positive machinery to give systematic form to the relationships between the legislative and executive branches. Haphazard dealings were sufficient. The important factor was the existence of checks and balances. We still have need for checks and balances, but now we also have need for machinery to insure coöperation. Governmental activities have become too vital to permit insoluble conflicts to arise between Congress and the chief executive.

The remedy lies in providing appropriate structure and procedure. Reorganization, therefore, falls into three different categories: reorganization within the executive branch, reorganization within the legislative branch, and reorganization to effect better relationships between both. All of these efforts relate to the formalization of machinery and methods.

III

What should be the rôle of Congress in its relationships with the executive departments? How can those relationships be improved to strengthen the government, to make it more efficient, to make it more responsive to the will of the people?

Congress has three great powers that come within the purview of our discussion: (1) the promulgation of general policy; (2) the recurrent determination of official duties, basic organization, and financial needs; and (3) surveillance over the administration and the effectiveness of the laws. These powers are not separate and distinct, but here it is convenient so to group them. In regard to each power, there are certain weaknesses in the links with the executive branch. An important part of the recent reorganization of Congress is directed toward strengthening these links.

The approach taken in the Legislative Reorganization Act of 1946 reflects the constitutional rôle of Congress. Just how far should Congress go in its oversight of federal administration? To the casual observer, it might appear, for instance, that Congress is stepping beyond its bounds in prescribing the structure of the executive department and its relationships

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with the legislature. Why, it might be asked, does not the President exercise jurisdiction over the organization of his own departments? Why should Congress exercise this control?

The fact is that Congress occupies a unique position as overseer under our Constitution. Congress is the keystone of our representative government. It is through the legislature that the people have control of the government. Congress functions as an intermediary between the people and the government as a whole.

The chief executive, too, is answerable directly to the people, but the executive departments are not, except indirectly. The closest tie lies in the principle that cabinet officers who head the departments serve at the pleasure of the President. The Constitution specifically vests the executive power in the President; it fails to define the departmental system and the officials to serve under him. In fact, Congress is charged with the responsibility of providing by law for the organizational framework to indicate the status of all governmental officers other than those referred to by the Constitution. Moreover, while the appointive power rests with the President—unless delegated by law in the case of "inferior" officers—the Senate retains the power of advice and consent.

Congress, therefore, has a broad responsibility for exercising controls to bring about better governmental operation. If Congress is to discharge its full responsibility, it must provide for the integration and correlated leadership of the executive branch, and also for sound working arrangements between it and the legislature.

IV

What are some of the weaknesses that have been revealed in legislative-executive relationships? The following situations are frequently cited: (1) There is haphazard correlation of legislative policies. The President and the Congress frequently reach a deadlock on important legislation. (2) Budgetary and fiscal policies are handled piecemeal. Over-all planning and control are lacking. Authority and responsibility are too widely diffused. (3) Congress exercises no systematic review of its laws. It relies on sporadic investigations, on secondary sources, on inadequate staff, and on an overlapping committee structure that cannot be readily geared to administrative activities. (4) Party programs and legislative leadership have no formal means of exerting influence. National concerns suffer at the expense of sectional and special interests. (5) The internal machinery of Congress is inadequate to permit more expeditious treatment of important legislative business. A log-jam of bills—such as has frequently happened in recent sessions—is the surest sign of obstructions in the flow. Members of Congress carry heavy secondary and non-essential loads of work. (6) Legislative research and staff facilities are inadequate. Congressional policies and salaries fail to attract the expert assistance required

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to formulate legislation. (7) Insufficient protection exists against pressure groups and lobbyists.

These are but a few of the commonly acknowledged shortcomings. Critical opinions have been voiced also concerning the seniority practice in Congress, the complexity of legislative rules, the inordinate powers of certain committees, the obstructions of orderly debate in the Senate, and the absence of methods of affording a congressional forum for cabinet members.

Some of the problems were considered by the President's Committee on Administrative Management, which presented its report in January, 1937. The report reached the conclusion that "processes of diffusion" in Congress tended to defeat executive accountability. Congress was blamed for imposing too many detailed requirements on the executive branch, both in general laws and in appropriation riders. The effect, according to the report, was that the executive departments were hampered in the full exercise of their responsibilities toward the legislative branch.

The President's Committee also recommended the establishment of an independent fiscal audit, and suggested that Congress in pursuing its investigatorial activities had neglected the establishment of adequate machinery for the collection and coördination of pertinent information. The remedial action proposed by the report was for Congress to establish several additional special or joint committees, specifically a Fiscal Affairs Committee, and, for non-fiscal matters of over-all planning, other committees on Personnel, Planning, and the Budget.

V

The Joint Committee on the Organization of Congress recognized some of the same deficiencies, but took an entirely different approach with respect to corrective action. Instead of proposing additional special committees, it recommended that all special committees be banned and that the structure of all standing committees be revised and simplified. The Legislative Reorganization Act failed to place a flat prohibition on special committees, but did revise and simplify the committee structure, substantially as the Joint Committee had recommended.

The Joint Committee hoped to gain many advantages through the proposed simplification. First, the jurisdiction of the committees could be redefined to conform with established spheres of governmental activity. With a parallel organization in both houses of Congress and in the executive branch, natural channels could be developed for the correlation of activities. This would have important benefits both in the formulation of policy and in exercising legislative surveillance. For both ends, a simplified committee structure is indispensable.

Some criticism has been voiced to the effect that a simplified structure may lead to too much specialization, and even foster specialized spheres

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of influence between the corresponding groups in Congress and the departments. That general criticism has been made—perhaps with some justification—of the closely knit relationships that have developed, for example, between the War Department and the Military Affairs committees, or the Navy Department and the Naval Affairs committees. Such relationships, it is charged, can result in biased points of view. Actually, dangers along this line are remote because two conditions will tend to offset each other. The parallel organization will gravitate toward specialization, but the breadth of jurisdiction within a single one of the fewer committees will bring together a greater variety of subject-matter concerns, which will have the opposite effect.

In the second place, the revised committee structure can insure a more orderly consideration of all related legislation, and provide a centralized accumulation of data relating to a particular subject. Legislative consideration would be in sharper focus if subcommittees of regular standing committees carried on the legislature's investigatorial and surveillance activities. Special investigating committees have made notable contributions toward better government, but there has always been much duplication, especially if the end-result is to be the introduction and enactment of legislation.

Undoubtedly, an effort will be made in subsequent sessions to nullify or modify these and other provisions of the Legislative Reorganization Act. No Congress can bind a succeeding Congress on rules or other enactments. The opposition will come in the main from those who previously stood in the way of reform. New members, who will have no vested rights in the old order, can probably be expected to appreciate this part of the reorganization.

VI

To meet the need for policy integration in terms of a legislative program, the Joint Committee proposed to set up policy committees of the majority and principal minority parties. These committees would have no direct part in the consideration of legislation, nor any part in reporting or voting. They would have no power to bind individual members or standing committees to any course of action.

The advantages to be gained from such an arrangement are obvious. Party positions would be crystallized and clearly set forth. Both the majority and minority would play rôles in planning policy; alternative policies could be developed more readily. By looking at the whole picture, greater emphasis would be placed on national welfare as against sectional or special interests. The policy committees would afford general leadership on much legislation of secondary importance that is now considered only hastily. In other words, the policy committees would be an advisory superstructure on the simplified committee system. The policy committee of

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the majority party in each house would perform still another correlating job—that of combining with the President and his cabinet to form a Joint Legislative-Executive Council. On some occasions, the minority policy committees might also be included in such joint conferences.

The degree of successful planning in the Joint Council would depend to a large extent on the human element of the personalities involved, just as the strength of the executive branch is often a reflection of the personality of the President. The importance of the Council consists in the establishment of formal procedures to accomplish liaison instead of informal improvisation. A stronger bond in policy would be developed between the legislative and executive branches. Policy would no longer have to be channeled through one or two or a handful of men in either branch.

Fourteen members of Congress would sit around the council table with the President and his ten cabinet members. Cabinet members for the first time would have an opportunity to participate directly in the discussion of a unified legislative program. Legislative leaders could avoid head-on clashes with the President over much legislation if a better understanding were secured of the point of view of the executive branch, and *vice versa.*

An illustration on a limited scale of what can be done along this path is afforded by the good liaison with Congress established by the State Department. When members of the Foreign Relations Committee were kept informed and brought into joint consultation with State Department officials on vital matters of foreign policy, the State Department got not only better bipartisan support in the legislature but also much valuable advice.

Unfortunately, the House of Representatives did not see fit to approve this part of the Joint Committee's program, despite its endorsement by the Senate. It was not written into the Legislative Reorganization Act. Yet, part of the program was salvaged when the Senate on my motion later took action in an appropriation bill to provide funds for the organization of policy committees in the Senate. The net effect is that under the present law the Senate will have majority and minority policy committees, while the House will not. Not until the House takes similar action can there be the formation of an effective Joint Legislative-Executive Council.

The importance of providing machinery for a unified legislative program and over-all planning cannot be over-emphasized. Lack of such planning and of unity of objectives is at the root of certain congressional weaknesses that are frequently attributed to other causes. It is a common thing to accuse Congress of "log-rolling" on all issues in which sectional or special interests are involved. Actually, there is not as much trading and dealing in votes as is imagined. The end-result is simply due to the absence of responsibility for a comprehensive program. Contrary to many opinions, Congress is very sensitive to just complaints, whether it be on the part of sectional interests or any one else. If an offsetting case is not made—and

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usually it is not when a broad program is at stake—the outcome will favor sectional interests over the national interest.

Furthermore, when a bill is under consideration, in general the opposition puts forth amendments and can sometimes append certain restrictions that may be totally incongruous. Occasionally, a bill may be so amended that the author is forced to vote against it on final passage. All of these situations are indicative of the need for policy committees to formulate and consolidate sentiment behind unified programs for both the majority and minority parties. Such committees are also vehicles by which party responsibility can be more firmly established, and by which the electorate can arrive at a more intelligent judgment in its choice of candidates for public office.

VII

In common with most other students of congressional problems, the Joint Committee recommended that Congress be more adequately provided with professional staff members. It is physically impossible for lawmakers to become experts on all phases of public policy on which they must pass. Unlike an administrator, who has a limited scope of activities, each congressman has to deal with the entire gamut of governmental activity. Because in addition he must deal intensively with particular subjects at hand, he must have available to him fully competent advice at all times.

In the past, Congress has relied heavily on advice from the experts in the executive branch. Congressional committees have frequently borrowed such personnel for months at a time, without a shift of payrolls. There is much to be said in favor of such practice; more is to be said against it. It does give Congress the experience gained from "work in the downtown departments," but it does not furnish assurance of an impartial and balanced viewpoint. Moreover, when a staff organization is built up with personnel borrowed from the departments, the organization can easily become separated from any direct responsibility to either Congress or the executive branch. Within the last few years, Congress has gradually restricted this practice and required that use of such personnel be authorized and its pay be met out of congressional funds.

The technique of bill-drafting itself is a difficult job that is usually delegated to experts. There is no particular objection to having bills drawn in an executive department or any other place, if they accurately reflect the intent of Congress or that of its members sponsoring the bills. However, no good reason exists why this responsibility should be delegated. Congress employs a relatively small, but efficient, bill-drafting service. The Joint Committee recommended an expansion of the service, as well as of the staff of the Legislative Reference Service—each of which provides Congress with experts along specialized lines. Other recommendations

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aimed to improve the staffing of the offices of the members of Congress.

The primary benefits of improved staffing will accrue to the internal operation of Congress. Most of the staffing changes are planned with that idea in mind. At the same time, it is not unreasonable to expect that the improvement will be reflected in more comprehensive congressional control, a more tolerant and understanding attitude on common problems, and a generally improved relationship with the executive branch.

VIII

One other main topic deserves consideration: fiscal control by Congress. Mention was made of the fact that the President's Committee on Administrative Management, and others, have criticized Congress for the inadequate state of its fiscal control. Certainly no one can justify the lack of coördination that has existed between the several committees in both houses of Congress that deal with taxing and spending. Under the Legislative Reorganization Act, the two committees in each house concerned with raising revenue and with appropriations will be required to meet jointly at the beginning of each regular session and make a report on proposed over-all federal receipts and expenditures. A concurrent resolution will accompany their report, setting forth the maximum to be appropriated for expenditures in the coming fiscal year. If an estimated deficit will result, the concurrent resolution must also include a proposal that the public debt be increased by the amount of the deficit. The recommendations of the Joint Committee went still further, requiring a more rigid balance, and to this end setting forth a procedure for presidential reduction of appropriations when the balance was upset.

Numerous objections were made to the novel ceiling procedure. Some criticized it on the ground that it would work at cross-purposes with federal financial planning under the Employment Act of 1946. This is not necessarily true, because the needs of a "full employment" program could and would be considered in setting the expenditure ceiling. The legislative reorganization bill, as passed by the Senate, made allowance for this necessity. But the most important part of the proposed budget procedure is not the setting of a ceiling. It lies in getting together the committees of both houses that have jurisdiction over federal taxing and spending.

Objections were raised also to giving the President flexible power to cut appropriations. It was feared that he might counteract the expressed desires of Congress. On the other hand, proposals have often been made—apart from the recent legislative reorganization—that the President be given selective veto powers over all appropriation bills. Such item veto would require a constitutional amendment.

Additional improvements can be made in establishing a more uniform itemization in appropriation bills, in order to prevent both impairment of

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administrative action by too detailed specifications or uncertainty of "blank-check" authority that goes with some of the large lump-sum appropriations. Similarly, there is considerable merit in trying to concentrate the appropriation process into a shorter period of time. Sandwiched between, and delayed by, other legislation, this process is a long-drawn-out affair. Some of the estimates are worked out so long in advance that they are no longer entirely up to date when Congress takes action on them. There is a growing practice on the part of the executive branch to defer sending estimates to Congress on conjectural items until many months after the budget is submitted. This permits more exact estimates to be made on some items, but is subject to criticism on the score that it detracts from the basic purpose of a budget—to give a complete picture of the fiscal program.

The report of the President's Committee suggested that this condition might be overcome by deferring the submission of the President's budget several months, from January to March or April. The Legislative Reorganization Act takes no such action. It does make procedural changes that ease and improve the appropriation process. The act provides limitations on the use of legislative riders on appropriation bills. It directs that uniform appropriation classifications be devised. It requires that hearings and reports on appropriations be available for study prior to consideration in either house. It calls on the appropriations committees of both houses to make a study with a view toward limiting permanent appropriations and setting up a system of control in the disposition of funds acquired by the executive departments through sale of government property and services.

The Joint Committee further recommended an injunction against all executive transfers of funds between agencies. This prohibition was omitted in the Senate in the face of administrative problems it would create in the execution of the budget. On the other hand, the act provides for expenditure analyses and related studies by the Comptroller-General "which, in the opinion of the Comptroller-General, will enable Congress to determine whether public funds have been economically and efficiently expended." Similarly, he is directed to make a study of restrictions written into appropriation acts, for the purpose of determining the cost of such restrictions imposed upon administration and suggesting improvements. The present system of detailed audits by the Comptroller-General has not served as an adequate accounting for government funds, because it does not include reports on administrative performance and over-all operations. Buttressed with the new authority, this arm of the government should be able to provide information that will give Congress a better basis for spotting careless or extravagant spending.

Although many of these adjustments, proposed and enacted, may appear technical in a sense, all of them relate to a political theme of cardinal

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importance. Our form of government has weathered more than one storm in a century and a half. But it faces the most serious crisis it has ever faced right now and in the years immediately ahead. Political upheavals have placed our system of government face to face with ideologies that have no regard for individual rights and liberties. The history of the world will be profoundly influenced by the way our nation meets the vast problems of our day. To the extent that governmental reorganization achieves more efficient and better service to the people, it will enable us to maintain our democratic way of life in an uncertain future.

VI. POLITICAL LIMITATIONS ON EXECUTIVE REORGANIZATION

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I

Time was, perhaps before the New Deal, when the limitations upon executive reorganization were largely self-limitations, which arose from a conception of administrative reform as primarily a technical problem. That is to say, students of administration assumed that their work had nothing to do with politics. The basic political decisions were to be acknowledged, and if changes were necessary they would be made by legislative enactment. Administrative analysis consisted in determining, according to criteria of efficiency and economy, the proper distribution and relationships of governmental functions. The responsibilities of the technician ended with the submission of a factual report and plans for reorganization, except that if the politicians insisted upon a different set of organizational objectives, he might give advice on the best arrangements for meeting those objectives. He might accept the responsibility of a consultant or adviser on organizational *policy;* but in so doing he was acting in a professional capacity, contributing the results of his experience in investigating methods of policy execution.

Consistently adhered to, this was a sensible and defensible position. Men acting upon such views could not be accused of challenging the rôle of any policy-determining official, or of lending their professional talents to partisan purposes. They were not power-hungry. They did not question the principle of legislative control over the executive branch. Hence, however radical their standards or proposals might be, the technicians could safely be tolerated by the politicians, who knew that such questions as who should perform what functions, what the lines of administrative responsibility should be, and how the responsible administrators should be coördinated were matters of high political importance.

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This theory of executive reorganization has by no means been entirely superseded. It possesses the advantages of ideological acceptability and minimizes the problem of personal conflict for its adherents. Above all, it does not question the distinction *in levels of responsibility* between the politician and the administrator. But the underlying assumptions are sharply challenged by some recent trends in administrative thought which insist upon the inseparability of politics and administration; which identify, at least in subject-matter, "political" with "administrative" policy; which emphasize that there are elements of policy formulation at all but the routine levels of administration; and which, finally, assert the relativity of administrative principles and methods in the face of the cultural values and conflicts of the period—or the personality and social preferences of the administrator.[1]

Aside from the constitutional complications imposed by the separation of powers, the significant ambiguity that we find today with respect to the meaning and scope of "political," "policy," "politics," and "administration" is probably due to two major factors: (1) the use—of course, long before 1933—of general staffs and central coördination in both public and private management; and (2) the acceleration given by the pent-up demands upon government after 1933 to the necessity for deliberate planning and correlation of policy objectives. Even before the New Deal, the impact of the "staff principle" upon administrative theory had already gone far toward breaking down the rigidity of the distinction between legislative formulation and administrative execution of policy, and toward a pragmatic unification of the governmental process in terms of "problem analysis, policy formulation, and operations."[2] This trend in organization engineering was quite compatible with the sudden increase in governmental functions and programs under depression and war conditions. Both required the kind of systematic research and advance study of strategic goals and alternatives of method that in military and business administration is called staff work, but in government is labeled "planning."[3]

If the term "political" is used to refer to the process in government by which individuals and groups compete for larger shares of influence in the formulation of policy, the efforts toward federal executive reorganization since 1932 may be interpreted as an alliance between the chief executive

[1] Cf. Paul H. Appleby, *Big Democracy* (New York, 1945); J. Donald Kingsley, *Responsible Bureaucracy* (Yellow Springs, 1945); James Burnham, *The Managerial Revolution* (New York, 1941); Arthur W. Macmahon and John D. Millett, *Federal Administrators* (New York, 1939).

[2] John M. Gaus, in William Anderson and J. M. Gaus, *Research in Public Administration* (Chicago, 1945), p. 131.

[3] See V. O. Key, "Politics and Administration," in Leonard D. White, *The Future of Government in the United States* (Chicago, 1942), pp. 146 ff.

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and a rising group of professional administrators to strengthen his position and, conversely, to weaken the almost absolute veto power of congressional committees and group pressures over proposals for the organization of the federal agencies. The rationale of this alliance was based upon (1) the reassertion of the Federalist-Theodore Roosevelt-Wilsonian conception of a strong executive, whose twentieth-century responsibilities require the tools and flexibility of modern management to bring about proper coördination of governmental functions and programs; (2) the impossibility of the President supervising personally the large number of agencies reporting to him or formally independent of him; (3) the desirability of an expert staff acting in the name of the President to study the entire executive establishment continuously and to make recommendations at appropriate times for administrative improvement. But congressional power over organization depends upon the ability to prevent as well as to authorize action. The attempt to secure stronger presidential initiative in reorganization matters thus naturally aroused the suspicion of congressmen and outside groups.

This suspicion was in evidence in the opposition to the reorganization bills of 1937 to 1939. However, the opponents deceived themselves if they believed their own propaganda interpreting President Roosevelt's motives as those of dictatorial ambition. The verdict of history is likely to portray Franklin D. Roosevelt as a man who knew and liked the game of power politics under democratic rules, and who played the game to win. Further, notwithstanding its ultimate implications, the report of his Committee on Administrative Management was certainly not the manifesto of a politically self-conscious group of federal career bureaucrats and managers. The committee was composed of men outside the federal administration, who were sincere believers in responsible government, and who saw the obstacle to executive reorganization in the psychological alignment of the bureaucrat with congressional committees and pressure groups.

The committee's theory, which involved a considerable extension of central supervision and coördination, ran counter to strong preferences for autonomy on the part of department heads and bureau chiefs. The committee formulated the main issue in executive reorganization in terms of the problem of dissociating democratic ideology from the fortuitous method of approaching problems of structure from segmental viewpoints. It sought to identify democracy with an administrative system which recognized and implemented the chief executive's unique position as the central point of national policy coördination. By such an alignment of values, it hoped that the narrower interests might be transcended and integrated on the basis of a few broad, interrelated, intelligible programs of action.

After ten years, the arguments for a more rational structure and greater

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discretionary power to bring about administrative coördination may or may not seem quite as important in achieving the ends sought by the President's Committee.[4] Still, the experience of the Budget Bureau has been extraordinarily valuable in demonstrating the potentialities and difficulties of staff activity within the Executive Office of the President.[5] We are now in a position to evaluate more precisely the disadvantages as well as the advantages of raising administrative considerations to the highest levels of policy determination. We know that executive reorganization is but another name for mobilizing in a more effective manner the brains and resources of government in order to meet problem situations in terms of a choice among several policy alternatives.[6]

Thus executive reorganization may be conceived as an essential stage in solving the broader problem of policy planning and coördination. So viewed, mere technical limitations in the older context appear transformed. They are now those inherent in (1) institutional attitudes of Congress toward the executive branch, and (2) the struggle for influence between the protagonists of administrative improvement and those having vested interests in maintaining the *status quo*.

II

In accompanying today's reorganization specialists into the high-tension level of strategic maneuvering for prestige and responsibility between the President and Congress, we may find it helpful to look at their position in two ways. First, we shall analyze the psychological, legal, and political considerations in the congressman's experience that provide the basis for his *a priori* attitude of opposition to executive reorganization. Second, we shall try to see what Congress and the chief executive, in their respective capacities as supervisors of administration, consider its important objectives.

The congressional predisposition to oppose executive reorganization is certainly general enough to justify designating this limitation as psychological. But the limitation even extends to the institutional process through which the congressman has gained his position as the representa-

[4] For an excellent analysis of the problematical relationship between rationality and democracy in politics, see George H. Sabine, *Democracy and Preconceived Ideas* (Columbus, 1945). Charles S. Hyneman has presented a keenly critical review of the literature advocating a stronger executive prerogative in federal management: "Bureaucracy and the Democratic System," *Louisiana Law Quarterly*, Vol. 6 (1945), pp. 309 ff.

[5] Cf. Arthur W. Macmahon, "The Future Organizational Pattern of the Executive Branch," in this REVIEW, Vol. 38 (1944), pp. 1188 ff.

[6] Harold D. Smith, *The Management of Your Government* (New York, 1945), pp. 29–36; Paul H. Appleby, "Administration in Big Business," *Public Administration Review*, Vol. 5 (1945), p. 255.

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tive of his district. This process conditions him in making up his mind to emphasize certain factors that belong to a special order of political judgment. His sense of familiarity in dealing with matters of organization depends upon primarily personal factors, such as favorable impressions made by particular personalities, his experience in securing "coöperation" in appointments and getting information from particular administrative officials, and his identification with policies uppermost in the minds of politically important groups in his constituency. The important considerations to him are those that enhance his reputation for ability and influence, and ultimately his support in votes. To him, arguments for lessening the congressional leverage over specific agencies in which he is interested—particularly on such abstract grounds as the desirability of administrative unity, flexibility, planning, coördination, or consistency (of all things)—are either meaningless or else imply a degree of self-immolation that subverts the very reasons for his being in Washington.

His inclination to suspect the motives of the chief executive or his bureaucratic advisers is strengthened when it is implied that matters of organization should be decided on the basis of comprehensive factual investigations and the application of general standards of judgment rather than in the perspective of the welfare of special geographic, economic, or partisan interests, which are precisely those upon which the congressman feels competent to speak. He knows that concrete proposals, backed by vigorous executive support, are more difficult to modify or neglect than isolated bills of individual colleagues. Furthermore, much of the information upon which the legislative body must rely in forcing adjustments and compromises in executive proposals is in the possession of administrative agencies whose opinions are to conform with the "program of the President."

Passage of the Reorganization Acts of 1939 and 1945 in the face of such attitudes and considerations can truly be regarded as a major feat of political strategy. Having won temporary delegation of such authority, however, the chief executive and his administrative advisers must still take heed of the emotional reaction of congressmen against what they occasionally attack as attempts to exclude the legislative body from independent discussion of the merits of particular reorganization proposals. The fact that congressional rejection of individual plans, such as the housing reorganization of 1946, may be irrational from the administrative standpoint, as well as from that of public need, does not mean that such action was irrelevant on the level of political controversy. The price that administrative policy-makers must pay if they want to maintain their professional status is that the logic of their political arguments may boomerang against them.

A second main limitation upon executive reorganization consists in the

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congressional tendency to interpret controversies on structure either as personal fights between bureau chiefs and department heads or as struggles between regional or economic interests. This practical outlook, which is all too frequently justified, leads the congressman to take sides for or against an agency on behalf of the groups he deems important. He is less likely to transcend the immediate issue by asking the more abstract question: "In line with what objectives of national policy should this organizational question be decided?" Or, "How can this organizational controversy be made the vehicle of redefining and reconciling conflicting objectives of national policy?"

Perhaps three examples will suffice to illustrate the limitation. (1) In 1935, a bill was introduced in both houses to change the name of the Interior Department to one which would designate it clearly as the federal agency concerned with conservation and development of natural resources. The bill was immediately attacked, and successfully cornered, by the Department of Agriculture and the lumber interests as a move to gain control of the United States Forest Service on behalf of the Western cattlemen and grazers. (2) The civil works functions of the Army Corps of Engineers constitute a veritable Rock of Gibraltar against all executive attempts to introduce any organizational integration of flood control and river development with the land-use, irrigation, and electric-power activities of other federal agencies. (3) The success of the Children's Bureau in maintaining its autonomy in the Labor Department for thirty years, against all moves to link it organizationally with such functional activities as health, education and social security, was unquestionably due to its connections with women's associations and social-work groups.

A third limitation upon executive reorganization lies in the hackneyed legal argument whether determination of structure is a legislative or an executive function. To raise this question is simply to start a debate as to whether the job should or should not be done. It can be answered only by forcing the issue on the proposition that the legislature should direct the chief executive to formulate the plans for reorganization that in his judgment seem appropriate. The practical question is whether Congress shall designate the President to bring forth recommendations, or whether it shall assert its own supremacy, thereby affirming its intention to continue the same piecemeal process of legislative enactment which resulted in executive disorganization. This was made clear in Congress when it was contended that the chief executive would of necessity repeal and contravene legislative policy, either by abolishing agencies or by consolidating a narrower with a more inclusive function.[7] The same point came up again

[7] See the Senate debates on the reorganization bills of 1939 and 1945, *Cong. Rec.*, Vol. 84, pp. 3024–25 (Mar. 21, 1939); Vol. 91, pp. 10427–10432 (Nov. 1, 1945).

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in the argument that Congress should retain the power to scuttle reorganization plans by negative action of one house only.[8]

Once, however, congressional authorization has been granted under specified conditions of policy, it is clear that the legislative function has been exercised. Subsequent legal argument amounts simply to verbal ammunition against the provisions of particular reorganization plans. Since the argument still carries emotional weight at that stage, it does operate as a *caveat* to the chief executive and his advisers to guard themselves against charges of attempting to decide substantive questions of policy by indirection, disguise, or procedural sleight-of-hand.

A fourth limitation results from the congressional response to the complexity of the problem of deciding the proper level at which organizational decisions should be made. As we said earlier, a democratic chief executive must not appear arbitrarily to try to foreclose the legislative prerogative of investigation and discussion of the merits of policy. On the other hand, he knows that when organizational problems become political issues—that is, get mixed up in the conflicting social valuations and personal inclinations of several hundred legislators—almost anything may happen except that the decision will be pertinent to the solution of the administrative problem.

One entirely natural tendency in administration is to get issues decided as close as possible to the point of origin. Since good management sees to it that controversial issues are presented for action at the level of responsibility appropriate to their effective disposition, each lower level of responsibility attempts to present its recommendation in such a way as to make its judgment appear unquestionable to the next higher echelon of command.

The chief executive, too, must strive to make his organizational decisions persuasive enough to convince the legislature of the moral iniquity and ominous responsibility it incurs by rejecting his considered judgment. So problematic and contingent are transactions on the level of executive-legislative relations that it requires the most consummate skill on the part of the President even to command the legislature's attention, let alone respect and deference for his considered recommendations. Conversely, on the most detailed matters of organization he may incur charges of arbitrariness, caprice, usurpation, or dictation, to say nothing of violation of states' rights, elementary justice, and individual freedom. Most students of management would probably agree that individual freedom is likely to

[8] This procedure was provided in the Economy Act of 1932 (47 Stat. 413) until amended by 47 Stat. 1517 on March 3, 1933, and by the Senate Judiciary Committee draft of the 1945 bill (S. 1120, 79th Cong., 1st Sess.). See Senate Rep. No. 638, 79th Cong., 1st Sess., for an analysis of past legislation on executive reorganization.

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suffer more from bureaucratic decision at the lower rather than the higher levels of management. By the same token, legislative opinion on problems of organization is more likely to reflect special interests when it is nourished at lower levels of bureaucratic opinion—such as the clientele bureau —than when it leans toward the broader views at the center and on the higher levels of administration.

It should not be denied that there are self-limitations at work within an executive staff engaged continuously in reorganization work. One is that staff advisers in the Executive Office may identify themselves with some extraneous cause which leads them to take sides on irrelevant controversies, instead of confining themselves to their responsibility to the President. In the second place, his immediate administrative advisers may violate the staff principle by using their influence with the President to short-circuit the advice of responsible operating officials. Third, these staff advisers may fail to overcome the traditional shortcomings of the technician: they may forget that there are higher values than the mechanics of central controls, and that "paper coördination" is less important than actual results achieved in operations.

These are inherent difficulties in any large organization. They have to be surmounted by leadership, judgment, and ability at the top; by discriminating recruitment; by systematic attention to the human factor through training and supervision of staff; and by legislative promotion of administrative morale, especially by providing conditions under which reliable professional standards of public service can develop.[9] Perhaps the most effective "inner check" upon executive reorganization, however, consists in the continuing relations of mutual influence between the President's administrative aides and the department heads. These relations are sufficiently complex and delicate to weight the possibilities as much in favor of great caution as in favor of a capricious exercise of the President's reorganization authority.

III

The legislative proceedings culminating in the passage of the Reorganization Act of 1945 afforded an opportunity to compare congressional and executive definitions of the objectives in mind. For the purpose of this comparison, the declaration of policy in Sec. 2 (a) of the act has been taken as representative of the congressional attitude. The statement of the Budget Director before the Senate Judiciary Committee in the hearings on S. 1120 (79th Cong., pp. 36–58) may be assumed to represent the attitude of the President in his capacity as administrative chief of the executive branch. Among the five major objectives entertained by both,

[9] Cf. Leonard D. White, "Legislative Responsibility for Administration," in *New Horizons in Public Administration* (University, Ala., 1945), pp. 1 ff.

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there is a great similarity in language, and only one apparently irreconcilable conflict as to meaning. The differences appear in the order of priority among the objectives, in the substitution from the executive side of a qualitative for a strictly dollars-and-cents concept of financial economy, and in the congressional exception to the executive's assertion of an independent right of initiative in policy coördination.

For example, Congress and the President agreed on the importance of an orderly transition from war to peace, which meant simply that the organizational changes effected under the First War Powers Act would not have to revert to the prewar status. But whereas the congressional objective second in priority was "to reduce expenditure and promote economy to the fullest extent consistent with the efficient operation of the Government" and "to increase the efficiency of the operations of the Government to the fullest extent practicable within the revenues," in the executive order of urgencies financial economy *per se* was last on the list. As a manager, the President conceived of economy in terms of "improving the quality and expedition of administration, *producing economy in the form of a larger return per dollar expended.*" While Congress placed the "expectation" in the act that reorganizations should accomplish an over-all reduction of 25 per cent in the administrative costs of the agencies affected, President Truman was careful to announce in signing the bill that he considered this to be an impracticable, if not impossible, standard. In short, Congress was not disposed to accept the President's managerial maxim that "the best management is not necessarily the least expensive management."

Third in importance to Congress was that agencies and functions should be "grouped, coördinated, and consolidated, as nearly as may be, according to major purposes." The chief executive put this objective first, though in slightly different language. To him, the primary objective was to facilitate "the development and execution of consistent federal programs," which requires the "proper grouping of related activities and functions." More than this, the executive branch should be "capable of being managed effectively," which means a "reduction in the number of separate agencies responsible directly to the President" and "consolidation of the means of adequate supervision and coördination *now scattered* at a level below the President and Congress." This was probably the major gap between the two outlooks, because the idea of executive development of programs implies (1) the right to suggest new perspectives and criteria for public policy, and (2) the power to bring about a change in the emphasis and purpose of established agency activities. Obviously, it was highly important not to permit conflict to develop on this particular issue, which was in fact slurred over. For in the raw, here is the ancient conflict between executive prerogative and legislative consent, and no Congress would re-

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linquish on such an issue its ability to interpose conditions and limitations on executive initiative.[10]

Congress wished "to eliminate overlapping and duplication of effort." The President felt that operations of the federal government should have a "proper and consistent impact upon each individual affected by federal activities." On this point there seemed to be mutual agreement, even in the failure to specify the terms of reference.

The practical and crucial issue between Congress and the chief executive concerned the procedure by which he was to exercise his initiative in deciding upon and timing particular reorganizations. With the exception of war and depression emergencies, this was the rock upon which executive efforts to secure an independent reorganization power had foundered, until in 1939 the device of the congressional veto by concurrent resolution was hit upon by Representatives Cochran and Warren.[11] The 1939 solution, followed by Title II of the act of 1945, established a constitutional precedent for the respective rôles of Congress and the President in the determination of reorganization measures. The compromise was to combine the hitherto exclusive procedures of ordinary legislation and executive order.

The President drafts and submits in legal form the provisions of an order—the reorganization plan—which, upon becoming effective, indicates the steps to be carried out. Congress imposes a statutory limitation on itself by a special provision for discharge of committees and clôture on debate, requiring that a rejection of a reorganization plan must be made within a time limit of sixty days after submission, and prescribes as a condition of vetoing the plan *as a whole* a majority vote of disapproval in both houses. Of eight reorganization plans submitted since 1939, only one has mobilized a majority against it. The restriction of the President's reorganization authority to a period of less than three years in both acts

[10] Not in connection with the issue of flexibility in policy formulation, but in relation to the ability of administrative agencies to adopt the most efficient methods of job performance, the general indifference of Congress to *mere* efficiency comes to the fore. Thus to the congressional mind during the 1937–38 debates over the status of the General Accounting Office, nothing was more irrelevant than the argument that the Comptroller-General was interfering with the administrative responsibilities of the executive agencies. The initial reaction of a congressman is that the agencies ought not to be doing anything they aren't supposed to do—with the burden of proof against the agency.

[11] See Louis Brownlow, "Reconversion of the Federal Administrative Machinery from War to Peace," *Public Administration Review*, Vol. 4 (1944), p. 322; John D. Millett and Lindsay Rogers, "The Legislative Veto and the Reorganization Act of 1939," *Public Administration Review*, Vol. 1 (1941), pp. 176 ff. The exceptions were the Overman Act of 1918, the amendment to the Economy Act of 1932, passed the day before President Roosevelt took office in 1933, and Title I of the First War Powers Act of 1941.

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demonstrates that Congress has no intention of abdicating its prime power. Congress still denies the President continuing managerial authority to revise the structure of the executive branch, but a method has been developed whereby controversial questions can be forced up for consideration and jointly disposed of.

IV

It has long been recognized that political limitations upon executive reorganization cannot be explained solely in terms of the constitutional dichotomy between Congress and the President, or the political tendencies of each to assert an independent line of authority from a sense of responsibility to the people. The alignment of political forces on any given reorganization issue rarely presents a clean-cut conflict in principle between the chief executive and Congress.[12] The more general pattern is apt to show the President, perhaps with some appointive department heads, and some political supporters in Congress lined up against a legislative committee or subcommittee, one or more of the bureaus or agencies affected by the change, and the economic, professional, or regional interests which have identified themselves with the existing scheme of things.

To protect their particular concerns, the interest groups and "their" agency prefer the encrustation of congenial policies in statutory provisions, and then to hold fast to the time-honored guarantees of legislative procedure which place every premium upon successful opposition to controversial changes. Even if reorganization proposals do not involve the substance of policy, clientele groups are extremely sensitive to the implications of changes in policy-determining personnel. To these groups and to the relatively autonomous operating bureaus, a general reorganization power vested in the President represents continuous insecurity from "inside manipulation." In the personal sympathies and fortunes of congressmen whose influence is in large part dependent upon committee membership or chairmanship, interest groups find a natural ally.[13] The President's

[12] The clearest examples of such issues of principle may be found in Sec. 5 of the Reorganization Act of 1945, which provides general limitations on the President's reorganization power and imposes specific exceptions. Even there, the explanation is not always "pure" congressional interest. The power to create a new department is undoubtedly a constitutional prerogative of Congress. While Congress has always regarded the General Accounting Office as an agency responsible to it, it no longer seems so certain that the independent regulatory agencies are exclusively agencies of the legislature. Of the 26 such agencies identified by the Joint [Byrd] Committee on Reduction of Non-Essential Federal Expenditures (as of November 1, 1944), the act of 1945 exempted only six from the President's reorganization power.

[13] The most cogent defense of what Professor Corwin has called this "pluralistic" scheme of responsibility over executive reorganization, on twin grounds of congressional supremacy and defense of liberty against arbitrary or capricious executive action, is contained in Lewis Meriam and Laurence F. Schmeckebier, *Reorganization of the National Government* (Washington, 1939). See also Senate Rep. No. 1275, 75th Cong., 1st Sess. (1937), especially chs. I–II.

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difficulty in securing from legislative committees approval of organization proposals reflects his inability to get such problems handled as a matter of party responsibility.[14]

The alliance, in infinite variations, between group interests, whether economic, regional or professional, legislative committees or subcommittees, and operating bureaus or agencies preferring the administrative *status quo*, constitutes the most effective political stumbling block to executive reorganization. The defensive relationships do not evaporate after the President has obtained a legislative mandate to get on with the job. His staff and policy advisers making the technical investigations and final recommendations, therefore, have to analyze very carefully the impact of a proposed reorganization upon interest groups outside the government, and to consider ways in which these groups can be convinced that it is to their best interest not to take a strong position in an internal fight involving the personal interests of agency heads. If the advisers cannot bring about the "neutralization" of the outside groups, they must consider ways of formulating and timing their actions so as to offset the ability of the outside groups to nullify any decision or to undertake effective countermeasure of retribution.[15]

[illegible], then, is, first, to get into a position which makes it difficult for an individual or a minority in

[14] In view of these relationships, it is significant that the agencies exempted from the President's reorganization power in the Reorganization Act of 1945 are so few. Only seven are practically excepted, and any proposals affecting four others are required to be submitted as separate plans. House Rep. No. 1378, 79th Cong., 1st Sess. (December 12, 1945).

The act establishes three categories:

(1) Agencies which Congress refuses to consider appropriate for any reorganization: Civil Functions of the United States Army Corps of Engineers.

(2) Agencies for which Congress refuses to consider reorganization plans except transfers to them of other functions: Interstate Commerce Commission; Federal Trade Commission; Securities and Exchange Commission; National Mediation Board; National Railroad Adjustment Board; Railroad Retirement Board.

(3) Agencies for which Congress desires *separate* consideration in any plan: Federal Communications Commission; Federal Deposit Insurance Corporation; United States Tariff Commission; Veterans Administration.

In the last group, it would be interesting to know what considerations led the conference committee to substitute the FDIC for the Civil Service Commission in the final stages of the bill.

[15] President Truman's veto of the $52 billion Rescission Bill in 1945 was a reorganization action in reverse. The Dirksen amendment to the bill had provided for a rescission of all funds to the War Manpower Commission for Employment Service field offices and facilities, and reappropriated $30,000,000 for disbursement to the states for the same purposes by the Social Security Board. In this case, the executive veto thwarted an attempt of the governors of several states and the Association of State Unemployment Compensation Commissioners to use congressional appropriation procedure to effect a reorganization which had important implications for national reconversion policies.

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the legislature to block a particular proposal at the behest of a government bureau or outside group; second, if possible, to drive a wedge between the agency involved and its clientele; third, if the reorganization plan must inevitably become a political fight, to secure the advantage of the initiative in defining the issue in terms of the administrative answer to the problem of achieving the greatest benefit for the country as a whole. Once it grows clear that the chief executive is acting in the spirit of the American tradition to overcome the political limitations of group influences and congressional favoritism in the management of the public service, lawmakers and interest groups alike may prefer to stay out of fights over administrative issues.

V

Objectors to the President's authority over structure will argue that there is no such thing as pure "reorganization"; that reorganization is not just a matter of top personnel and establishing lines of control; that it is inseparable from influencing in large measure the *what*, as well as the *who*, of policy. This view is well taken as to the possible *effects* of reorganization, but not its definition or technique. Clearly it is possible to shift lines of administrative responsibility and to create or abolish offices without altering substantive policy. But the argument goes beyond the desirability of enabling the chief executive to insure concert, either at the technical level of promoting efficiency and economy, or at the policy level of establishing internal harmony within the administrative structure. It raises the question of the relation of his reorganization power to his rôle of formulating and initiating broad programs of public policy.

The members of President Roosevelt's Committee on Administrative Management faced this point squarely. They explicitly included over-all planning as a proper function of a strong democratic head of administration, along with the tools of financial and personnel management.[16] The demise of the National Resources Planning Board in 1943, through congressional decision to cut off its appropriations, was not due so much to the legislature's dislike of planning as to its desire to control the planning process through its own committees.[17] However, Congress apparently did not relish the implications of reverting to a scheme of considering broad policy through specific pieces of proposed legislation, and through the channel of special groups such as the Senate (George) and House (Colmer) committees with a staff to do their own research. As early as 1944, Congress took the unprecedented step of giving statutory status to a planning and

[16] See Senate Doc. No. 8, part 4, 75th Cong., 1st Sess., Joint Committee on Government Organization, *Hearings on Reorganization of the Executive Departments* (1937), pp. 4, 40–41, 131–137; Senate Select Committee on Executive Reorganization, *Hearings on S. 2700* (1938).

[17] Cf. Charles E. Merriam, "The National Resources Planning Board; A Chapter in American Planning Experience," in this REVIEW, Vol. 38 (1944), pp. 1084–1085.

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policy-making agency created by executive order, the Office of War Mobilization and Reconversion.[18]

This law explicitly recognized the interrelated character of "planning" and "reorganization" functions by giving the director of the office sweeping powers, not only to formulate such plans "as are necessary to meet the problems arising out of the transition from war to peace," but also "to issue such orders and regulations to executive agencies as may be necessary to provide for the exercise of their powers in a manner consistent with such (*sic*) plans." Even though the act was a wartime measure, it illustrates that Congress is willing to provide for sub-presidential authority on the broadest scale if it is convinced of the importance of the problem and has confidence in the officials occupying the office, like former Congressmen Byrnes and Vinson.

Yet, after little more than a year of peace, Congress seems to be reverting to its preference for the particularistic viewpoints of its committees. One desirable consequence of the hapless attempts of these committees to resolve conflict and disagreement—between executive agencies, between the agencies and the President, between outside interests, and between the President and Congress—is that public attention is focused upon the inadequacies of the committee organization for the responsibilities so fervently sought.

Two striking illustrations of pluralistic congressional planning have occurred in the past two years. The first arose in connection with two related projects of the Army Corps of Engineers, one involving a series of dams and levees in the Flood Control Bill of 1944, and the other concerned with a nine-foot channel for the Missouri River below Sioux City, Iowa, in the Rivers and Harbors Bill of the same year.[19] The latter project aroused the ire of the upper Missouri Valley senators, who thought the plan would infringe their constituents' water rights by limiting the water available for irrigation projects planned by the Interior Department's Bureau of Reclamation.[20] The issue came to a focus in a subcommittee of the Senate Commerce Committee, in which Senator Overton, acting on behalf of the navigation and flood-control aspects of river development, assumed the rôle of coördinator of the water, land, and electric-power interests. He was unable to bring about agreement, either between the two groups of government technicians or between the up-river and down-river

[18] Public Law No. 458, 78th Cong., 2nd Sess. Cf. Brownlow, *loc. cit.* above note 11, pp. 312–316.

[19] The flood-control project was provided for in House Doc. No. 475, 78th Cong., 2d Sess., and H.R. 4485. The nine-foot channel for navigation was provided for in a separate bill, H. R. 3961. *Hearings before a Subcommittee of the Senate Committee on Commerce*, part 6 (May 10–18, 1945).

[20] Senate Doc. No. 191, 78th Cong., 2d Sess. For the grass-roots background of this fight, see Joseph K. Howard, "The Golden River," *Harper's*, Vol. 190 (May, 1945), pp. 511 ff.

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senators, until after Senator Murray introduced a bill providing for a Missouri Valley Authority responsible for planning all aspects of river development as a whole.

Within three months thereafter, the Corps of Engineers and the Bureau of Reclamation had worked out a compromise,[21] based upon the policy that irrigation was to have priority over navigation. Both agencies agreed to go ahead on their own projects, and were each authorized to expend $200,000,000 in the initial stages of construction—navigation and flood control down-river to the Engineers; irrigation up-river and electric power to the Reclamation Bureau and the Secretary of the Interior.[22] From this point on, all the main parties—Senator Overton and the Western senators who composed the majority of the subcommittee, the Interior Department, and the Corps of Engineers—used the agreement and its legislative sanction as a *fait accompli*, insisting that here was a river-development program for irrigation, flood control, navigation, and electric power that rendered unnecessary and inappropriate the creation of a single valley authority sponsored by the President.[23]

The second recent example of congressional attempts at coördination came forth in connection with the proposed consolidation or unification of the armed services. The bills presenting the issue were reorganization measures providing for integration under a Secretary and at the top levels of strategy and procurement planning. Perhaps the executive tactics of raising the issue as a purely organizational matter were too simple, because the pressure for unification was unsupported by a collateral congressional motivation to get substantive legislation passed, such as is present in river and harbor measures or appropriation bills. Moreover, reorganization standing by itself seemed to lack focus when the existing system of primary presidential responsibility, coupled with combined planning of the Joint Chiefs of Staff, had just finished helping to win the war.

The congressional subcommittee was unable to produce a general framework of national-security objectives within which the two services could

[21] Senate Doc. No. 247, 78th Cong., 2d Sess.; *Hearings before a Subcommittee of the Committee on Commerce on S. 555*, 79th Cong., 1st Sess., pp. 149–158, 323–337 (April 18–20, 1945).

[22] Flood Control Act of 1944, Public Law No. 534 (Dec. 22, 1944); River and Harbors Act of 1945, Public Law No. 14 (Mar. 2, 1945). There is no better case study in the workings of American government than the legislative proceeding with respect to these bills: H.R. 3961 and H.R. 4485, 78th Cong., 2d Sess., and S. 555, 79th Cong., 1st Sess.

[23] *Hearings before a Subcommittee of the Senate Committee on Irrigation and Reclamation on S. 555*, 79th Cong., 1st Sess., pp. 4–9, 338–444 (Sept. 18–28, 1945). The President had approved the agency agreement on November 27, 1944, but had recommended that the projects provided in it be developed and administered by a Missouri Valley Authority (House Doc. No. 784, 78th Cong., 2d Sess.).

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combine their planning of logistics, personnel, and facility requirements. General propositions, such as prospective economies and greater efficiency arising from consolidation and the desirability of over-all planning on the basis of a single presentation for the nation's budget of its military-security program, failed to break down the position of the Navy Department. The Navy contended that the present scheme of joint or dual military planning is able to protect the vital military interests of the United States and to preserve the proper balance of civilian-military relationships.[24] Finally, no one was so placed as to coördinate the overlapping committees having jurisdiction in the matter.

From these examples emerge two answers to those who object to giving the President power to initiate structural proposals on the ground that reorganization is inseparably tied up with policy. The congressional approach is such as to reflect and perpetuate group conflicts and agency rivalries. Congress itself possesses no inherent inclination or competence to resolve controversial issues of administration. The result is that policy questions that ought to be raised are suppressed too long, and then too frequently are brought up in connection with legislation to which they are irrelevant. The first justification of the chief executive's reorganization power consists in his need for a tool by which he can refer questions of organizational policy to Congress, with discretion as to timing and with assurance of their consideration.

The second answer is that if a reorganization proposal does raise a controversial issue of public policy, the President should be in a position to supplement his structural rearrangements with the necessary criteria of policy or program, on the basis of which inter-agency disagreements and lack of coördination can be overcome. Program planning logically precedes administrative planning. Congress should always retain and exercise the function of declaring the criteria of public policy. If the process of executive integration fails to produce a convincing conspectus and crystallization in program, Congress does not lack power to consider the matter through its regular procedures. If executive reorganization is understood as a way of improving our collective—inter-agency—methods of looking at problems of policy, and Congress retains full powers of investigation and publicity, the possibility to be guarded against would be executive inability to produce a satisfactory program, rather than subversive motives of concealment and misrepresentation of purpose and fact on the part of the President.

[24] Cf. *Hearings before the Select Committee on Postwar Military Policy pursuant to H. Res. 465*, 78th Cong., 2nd Sess. (1944); *Hearings before the Senate Committee on Military Affairs on S. 84 and S. 1482*, 79th Cong., 1st Sess. (1945), esp. pp. 241–268, 515–536.

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VI

In conclusion, it should be pointed out that the reaction against national planning through executive correlation of inter-agency research and policy presents one feature disturbing to those who recognize the stabilizing, integrating, and adjusting rôle of government. That is the growth of control over crucial stages of the planning process in the hands of single lawmakers and legislative committees who identify their planning goals with the beliefs of private groups outside the government.[25] There is significance in the refusal of appropriations subcommittees to authorize expenditures for research and planning based upon a forward-looking approach to problems of broader scope, which admittedly look to the Executive Office for coördination.

The fate of President Roosevelt's program for basic economic statistics, and the unrelenting pressure of House and Senate appropriations subcommittees on such staff units as the Bureau of Agricultural Economics are to the point. Such tendencies seem to be largely explainable on the assumption that legislators who assert the primary, if not exclusive, responsibilities of Congress in policy-planning, deprecate systematic governmental research and coördination, deliberately preferring the self-centered demands of influential pressure groups. This reverses the desirable position of the public agencies in relation to private interests.

There is enlightenment and warning in a few sentences written by Woodrow Wilson some forty years ago:[26] "Contrasts between region and region become every year less obvious, conflicts of interest less acute and disturbing. Party organization is no longer needed for the mere rudimentary task of holding the machinery together or giving it the sustenance of some common object, some single coöperative motive . . . . Are we ready to make our legislatures and our executives our real bodies politic, instead of our parties? If we are, we must think less of checks and balances and more of coördinated power, less of separation of functions and more of the synthesis of action." These words were written when our political parties seemed safely preëminent in national policy-making. The decline of the parties from that position of influence seems to have had the result of projecting executive correlation of administrative planning into political controversy with special interests, working with strategically placed legislators and committees. For a while, Franklin D. Roosevelt seemed to achieve an integration by mobilizing private groups in support of national objectives embodied in the series of programs called the New Deal, but at present these groups focus again upon the potentialities of government in aid of group privilege.

[25] Cf. Charles M. Hardin, "The Bureau of Agricultural Economics under Fire," *Journal of Farm Economics*, Vol. 28 (1946), pp. 635 ff.

[26] *Constitutional Government in the United States* (New York, 1908), pp. 220–221.

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NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

At Princeton University, Professor William S. Carpenter resigned the chairmanship of the department of politics last spring and has been succeeded by Professor George A. Graham. Professor Carpenter is president of the New Jersey civil service commission and during the current year is teaching only half-time.

Professors Harwood L. Childs, George A. Graham, and Harold H. Sprout, of Princeton University, have been advanced to full professorships. Since the retirement of Professor Edward S. Corwin, the department's work in constitutional law has been in charge of Professor Alpheus T. Mason, with the assistance of Professor John A. Schroth.

Lt. Col. Benjamin E. Lippincott, of the University of Minnesota, was recently awarded the Legion of Merit for distinguished work as historian of the Thirteenth Air Force in the Southwest Pacific. He was in the area of combat for nearly two years.

Mr. Paul H. Appleby has resigned as assistant director of the U. S. Bureau of the Budget to accept the deanship of the Maxwell School of Citizenship and Public Affairs at Syracuse University. Dean Appleby will serve also as a professor of political science.

Drs. John Russell and Philip Taylor have returned to their academic work in the political science department of Syracuse University. Dr. Russell has been with the U. S. Bureau of the Budget, and Dr. Taylor ended his military service as a Lieutenant Colonel on the staff of General MacArthur.

Professor John A. Perkins, secretary of the Institute of Public Administration at the University of Michigan, has been appointed budget director of the state of Michigan. He assumed his new duties on November 27.

Professor J. A. C. Grant, of the University of California at Los Angeles, spent the spring semester and summer of 1946 in Colombia completing a research project on Colombian judicial review, begun under a Guggenheim fellowship in 1942 but interrupted by war service. On the return trip, he gave an open lecture at the law school of the National University of Mexico entitled "Estudio comparativo de los sistemas de control de la legalidad en los Estados Unidos, Colombia, y Mexico."

Professor Roger H. Wells, on leave from Bryn Mawr College, has been

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appointed consultant to the director of the Civil Administration Division, Office of Military Government for Germany, in Berlin.

Professor J. William Robinson, on leave from Purdue University, is at the Social Science Foundation of the University of Denver, completing a research project in the field of international relations.

During recent months, Dr. Walter H. C. Laves, of the U. S. Bureau of the Budget, has served as adviser to various United States delegations, including those to the ILO Governing Body and Conference, the General Assembly of UN, and the UNESCO conference in Paris. Not long ago, he likewise was appointed United States representative on a five-government committee of experts on ILO matters affecting staff emoluments, etc., and on January 20 he was sworn in as deputy director-general of UNESCO.

At the University of California (Berkeley), Professor P. Orman Ray reached emeritus status last July 1, and Dr. Charles Aikin has been advanced to the rank of professor.

Professor Dayton Voorhees, of the department of politics at Princeton University, has been reëlected to membership in the Princeton borough council.

Dr. Joseph Dunner has returned from two years of overseas service with the Office of War Information and the Psychological Warfare Division of the U. S. Army. Prior to going abroad, Dr. Dunner was instructor in area studies at the School for Overseas Administration at Harvard University. From May, 1944, to April, 1945, he was chief of the Intelligence Section of the London OWI. From April, 1945, to March, 1946, he headed the press control section for Munich and Upper Bavaria attached to the Information Control Division and the Third U. S. Army. Dr. Dunner spent last summer in Palestine, Egypt, and the Lebanon, and upon his return to the United States, resumed his teaching at Grinnell College.

Mr. Robert Lacour-Gayet, former director of the Economic Department of the Bank of France and chief of the Inspection General of Finances of the French Ministry of Finances, is teaching history and social science at St. John's University, Brooklyn, N. Y., during the current academic year. He is also conducting a course on contemporary French civilization at the School of Education of New York University.

At the sixth annual conference of the Western Governmental Research Association in Sacramento, Calif., Professors Harris, May, and Waldo of the department of political science, University of California, were in attendance, as well as members of the Bureau of Public Administration staff. Mr. Russell Barthell, associate public administration analyst with the Bureau, was elected executive secretary of the Association.

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Dr. David G. Farrelly, formerly in the G-1 Section of the General Headquarters of the Supreme Commander of the Allied Powers in Tokyo, has been appointed part-time instructor in politics at Princeton University.

Professor Marshall E. Dimock, of Northwestern University, is advising the General Accounting Office on government corporations, and is assisting in the preparation of a report to Congress dealing with the policies and principles relating to the corporate device.

Dr. John W. Lederle, of the University of Michigan, has been serving as consultant to the Senate's special committee to investigate senatorial campaign expenditures in the 1946 elections.

Professor J. Q. Dealey, Jr., has resigned at Hamilton College in order to take a position with the Historical Division, War Department Special Staff.

Miss Sonya Forthal, a hearing officer for the War Labor Board, VI, during the war years, is now teaching at Roosevelt College, Chicago.

Professor Hans W. Weigert, of Antioch College, has accepted an appointment as legal adviser to Military Government in Berlin.

Dr. Vernon A. O'Rourke has resigned at Swarthmore College to accept a post with the Standard Oil Company of New Jersey, where he will work in the field of labor relations.

Dr. Leslie Lipson, formerly chairman of the department of political science at Victoria University College, University of New Zealand, has accepted an associate professorship at Swarthmore College.

During January, Professor Lin Tung-chi, of the National Futan University, and at present visiting professor on invitation of the Department of State, delivered a series of four lectures at the University of Michigan.

Professor James K. Pollock, of the University of Michigan, is spending the months of February and March in Germany as an adviser to General Clay.

During February and part of March, Professor Carl B. Swisher, of Johns Hopkins University, delivered at University College, a unit of the University of London, a series of lectures on the Supreme Court of the United States. The lectures were sponsored in connection with a grant for a professorship in American history at University College made some years ago by the Commonwealth Fund of New York.

Dr. J. Donald Kingsley, formerly of Antioch College, has been appointed by President Truman to the newly-created White House post of

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program coördinator. In his new position, he will assist in the development and coördination of policies and programs affecting two or more government agencies, and will serve as White House liaison with the President's Commission on Higher Education and as executive secretary of the President's Scientific Research Board.

In January, Professor Rodney L. Mott, of Colgate University, was awarded the Army Commendation Ribbon for "exceptionally meritorious conduct in the performance of outstanding services with the Office for Military Government for Germany." In November, 1945, Dr. Mott also received the Legion of Merit.

Dr. Henry Reining, who since 1934 has served successively as educational director of the National Institute of Public Affairs, on a government mission to Rio de Janeiro, on the staff of the National Resources Planning Board, and as executive director of the Port of New York Authority, has re-joined the faculty of the University of Southern California.

Dr. Vincent J. Browne has been appointed assistant professor of political science at Howard University.

Dr. Reuel G. Hemdahl, recently of South Dakota State College of Agriculture and Mechanic Arts, has accepted an assistant professorship at the University of Louisville.

Mr. Delavan Evans, assistant professor at the University of Texas, has accepted an appointment at Williams College.

Mr. O. W. Campbell, former member of the staff of the Bureau of Public Administration, University of California, and until recently with the Local Government Division, A.U.S., has been appointed city manager of San José, California.

Mr. A. M. Hillhouse, associate professor of public finance, returned to the University of Cincinnati in September after a four-year leave of absence. Professor Hillhouse was an agency budget officer in Washington in 1942–43, and later served in England, France, and Austria with Military Government agencies as a public finance specialist.

After serving three and one-half years as a Lieutenant in the Photographic Service, Mr. John S. Harris was ordered to inactive duty by the U. S. Navy in the summer of 1946 and is now an instructor at the University of Cincinnati.

Professors H. Malcolm Macdonald and Edward G. Lewis have resumed their duties at the University of Texas after extended service in the armed forces. New instructors at Texas this year include Messrs. Victor Thomp-

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son, Hobart P. K. Sturm, James A. Norton, A. Z. Gammage, James Collins, Commer Clay, and R. K. Huitt.

Dr. Willard F. Barber, who since 1938 has been in the Latin American or Economic Division of the Department of State, has been designated chief of the Division of Caribbean Affairs. Prior to entering the Department in 1938, Mr. Barber was a member of the staff of the College of the City of New York.

In order to provide efficient service to teachers of international relations, the Office of Public Affairs of the Department of State has arranged with a number of libraries throughout the country to coöperate in displaying copies of the publications of the State Department which are available in limited quantities without charge. Copies of such publications will be distributed by the libraries in the appropriate area distribution center.

During the second part of the first session of the United Nations General Assembly held in New York, Francis O. Wilcox, head international relations analyst of the Library of Congress, served as special adviser to Senator Connolly, who represented the United States Delegation on the Political and Security Committee. Mr. Wilcox served also in the same capacity during the London meetings of the General Assembly in January and February, 1946.

At the biennial convention of Pi Sigma Alpha, honorary political science fraternity, held in Cleveland, December 29, 1946, the following officers were elected: John W. Manning (American University), president; H. Malcolm Macdonald (University of Texas), Frank H. Jonas (Utah State Agricultural College), and John E. Stoner (Indiana University), vice presidents; and Franklin L. Burdette (University of Maryland), secretary-treasurer.

The initial issue of a new quarterly, the *Middle East Journal*, appeared in January under the editorship of Harvey P. Hall, of the Middle East Institute, Washington, D. C. The subscription rate is six dollars a year, and subscriptions may be sent to the editor at 1906 Florida Avenue, N.W., Washington.

At the University of Virginia, Professor R. K. Gooch is serving as acting chairman of the new Woodrow Wilson School of Foreign Affairs and Professors Alfred P. Fernbach and Charles A. Micaud have been transferred to the unit from the School of Political Science. It is anticipated that a permanent head will be selected during the year.

Dr. Charles S. Hyneman has been appointed to a professorship at Northwestern University, where he will be responsible for developing the

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work of the political science department in public administration and local government. Since 1942, Dr. Hyneman has been employed with the federal government, first in the Bureau of the Budget, then as chief of the Civil Affairs Training Program of the War Department, and finally with the Federal Communications Commission. In FCC, he served first as director of the Foreign Broadcast Intelligence Service, and upon the termination of that wartime activity, he became assistant to the chairman of FCC, with special responsibility for directing the internal management activities of the agency.

Messrs. Geddes Rutherford, formerly of Howard University, and Joseph Kitchin, formerly of the University of Maryland, are now assistant professors at Queens College, and Professor Henry P. Jordan, of New York University, is serving as lecturer on the government and politics of Latin America.

Mr. John D. Holstrom, chief of police, Berkeley, California, and lecturer in political science (police administration) at the University of California, attended the convention of the International Association of Chiefs of Police at Mexico City in September, 1946.

Mr. Benjamin Kizer, former director of UNRRA in China, is lecturing at the University of Washington under the auspices of the political science department.

Professor Charles E. Martin, of the University of Washington, presented papers at both the Institute of World Affairs meeting at Riverside and the I.P.R. meeting in Asilomar during the Christmas recess.

Dr. Paul T. David has resigned his position as assistant chief, Fiscal Division, U. S. Bureau of the Budget, to enter the Department of State, having been appointed by the President to serve as United States representative on the Air Transport Committee of the Provisional International Civil Aviation Organization (PICAO) at Montreal. The Committee is continuing work on the development of a multilateral agreement on commercial air rights. Prior to leaving the Budget Bureau, Dr. David served as a member of the United States delegations at the First Assembly of PICAO, Montreal, in May, 1946, and the Second Conference of the Food and Agriculture Organization (FAO), Copenhagen, in September, 1946, in each case representing the delegation on a finance committee approving the budget of the respective international organizations. He also served as financial adviser to the United States delegation to the Ocean Weather Stations Conference at London in September, 1946.

The Department of State has announced that, under legislative authorization provided in 1946, some 120 officer appointments may be made

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before July, 1947, to the middle and upper grades of the Foreign Service. Applications are being currently received and, if approved, qualify the candidate to appear for a competitive oral examination. Candidates must be at least thirty-one years of age, have been an American citizen for at least fifteen years, hold a bachelor's degree or its equivalent, be able to read with facility one of eight selected foreign languages, have served in a military or governmental capacity during the war, and have had previous experience of a high order and of some duration either in business, government, or academic, research, or editorial work. Application forms may be obtained from the Board of Examiners of the Foreign Service, Department of State, Washington, D. C.

Members of the department of political science at the University of Minnesota are playing important parts in the establishment of a new introductory social science course which is a feature of the program of general education of the College of Science, Literature, and the Arts. Professor Evron M. Kirkpatrick is chairman of the Social Science Division and also of the group planning the social science course; Dr. Willmoore Kendall has been appointed to have permanent charge of the social science course, and has been largely responsible for organizing it; Dr. Herbert McClosky is acting chairman of the course during Dr. Kendall's absence this year, and Drs. Werner Levi, Max Kampelman and George Demetriou are handling sections in the course. Dr. Russell M. Cooper, associate professor of political science, and assistant dean of the Junior College, is in charge of the development of general studies in the College of Science, Literature and the Arts.

Dr. William J. Ryland, professor of history and political science at Beaver College, Jenkinton, Pennsylvania, died on November 16.

A sixth annual student conference on international affairs, participated in by Macalester College of St. Paul and United College of Winnipeg, was held at St. Paul last November, and dealt with national ideologies and the prospects for world order. The conference is held at the two institutions in alternate years, and something like it is being considered by United States-Canadian border institutions farther west.

The Bureau of the Census has issued a publication entitled *Votes Cast in Presidential and Congressional Elections, 1928–1944*. State totals by major political party, and relative party percentages, are presented; and for presidential electors and senators, the vote cast in the two most recent elections recorded is broken down by counties and the vote for representatives is presented by congressional districts. Copies may be obtained from the Governments Division, Bureau of the Census, Department of Commerce.

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On November 29 and 30, the Southern Institute of Local Government met in Nashville, Tennessee, for its sixth annual session. Principal speakers were Dr. M. H. Satterfield, Tennessee Valley Authority; Dean William Bradshaw of the University of Missouri; Dean William H. Wicker of the University of Tennessee; Mr. Charlton F. Chute of the Governmental Research Institute of St. Louis; and Mr. Morton L. Wallerstein of the League of Virginia Municipalities. The program dealt with constitutional revision as it affects local government.

Professor James K. Pollock, of the University of Michigan, has been presented with the Medal for Merit, the highest civilian decoration, for his work in Germany in the past year. President Truman's citation was as follows: "Dr. James Kerr Pollock, for exceptionally meritorious conduct in the performance of outstanding services to the United States in connection with the Military Government of Germany from October 17, 1945, to August 6, 1946. Dr. Pollock, as director of the Regional Government Coördinating Office, coördinated and instructed the minister presidents of the three German states in the United States zone of Germany, sitting as the Laenderrat, or Council of States, in unifying the administration of the United States zone, assisting in the delegation of responsibilities to German agencies, and supervising the preparation, plans, and recommendations of German government to the United States Military Government. He acted as senior representative of the Deputy Military Governor in guiding the German minister presidents in preparation of such critically important and delicate matters as the Law of Political Liberation. Dr. Pollock's energy, foresight, breadth of vision, diplomacy, and insight into the German problem contributed greatly to the successful administration of Military Government in the United States zone of Germany."

The regular annual meeting of the American Council of Learned Societies was held at the Westchester Country Club, Rye, New York, on January 29–31. Sessions were presided over by Professors Fred N. Robinson (Harvard University), chairman, and Frederic A. Ogg (University of Wisconsin), vice-chairman; and a concurrent conference of secretaries of the twenty-four constituent societies was participated in by Professor Kenneth Colegrove, of the American Political Science Association. During the ensuing year, the chairman will be Dean William C. DeVane (Yale University), and Mr. Ogg will continue as a member of the Executive Committee. After a study of personnel covering several months, a committee consisting of Messrs. DeVane, Robinson, Richard H. Shyrock (present acting director), William E. Lingelbach and Glenn R. Morrow (both University of Pennsylvania), and Mr. Ogg (chairman) has selected as executive director, in succession to Dr. Waldo G. Leland, Professor Cornelius Krusé, of the department of philosophy at Wesleyan Univer-

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sity and executive secretary of the American Friends Service Committee. Professor Krusé is expected to assume charge of the Council's Washington offices in September.

The Société d'Histoire de la Révolution Française, founded in New York by its president, Professor B. Mirkine-Guetzévitch, dean of the faculty of Law and Political Science of the École Libre des Hautes Études and director of the Institute of Studies of Comparative Government and Education, Teachers College, Columbia University, consists of several hundred American and French scholars in the fields of history and political science. Its secretary-general is Jean-Albert Bédé, of Columbia University, and the members of its board of directors are: Professor Leo Gershoy, New York University; Professor Louis Gottschalk, University of Chicago; Dean William F. Russell, Teachers College, Columbia University; and M. Georges Wildenstein, editor of the *Gazette des Beaux Arts*. Under auspices of this organization, the first volume of a new publication, *Cahiers d'Histoire de la Révolution Française*, has recently appeared, edited by Professor Mirkine-Guetzévitch and the French historian, Philippe Sagnac.

A second biennial conference designed to give newly elected county officers the practical details of operating their offices was held on the Michigan State College campus on December 19–21. The sponsoring agencies were the Michigan Institute of Local Government, the Institute of Short Courses, the Michigan State Police, and the department of public administration of Michigan State College. In attendance were the newly elected sheriffs, clerks, treasurers, registers of deeds, prosecuting attorneys, and drain commissioners. The practical instruction was given by members of the state police and federal agencies, and by men and women who have had extensive experience in their respective offices.

Dr. Thomas H. Reed and Doris D. Reed, of Wethersfield, Connecticut, have resigned from the Connecticut Public Expenditure Council to devote themselves exclusively to their municipal consultant practice throughout the country. They are now employed by the charter commission of Richmond, Virginia, to draft a new charter for that city. They are likewise formulating a plan of consolidation for the city of Baton Rouge, Louisiana, and East Baton Rouge Parish, and will frame a charter for that community. They have recently prepared a sheaf of legislation for the Richmond county, Georgia, legislative delegation, including a city-manager charter for Augusta, which has been introduced in the current Georgia legislature, and are working on a study of Richmond county for its board of county commissioners. Their study of possible consolidation in the Tarrytown-North Tarrytown-Irvington-Pocantico Hills area of

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Westchester county, New York, made for Mr. John D. Rockefeller, Jr., was published late in December. Dr. Reed is the author of the Hartford manager-plan charter adopted by a two-to-one vote there on December 3, 1946.

The Russian Institute of Columbia University began its first session in September, 1946. Directed by Professor Geroid T. Robinson, its staff includes Professors Philip E. Moseley, Abram Bergson, Ernest J. Simmons, and John N. Hazard. All the work of the Institute is on a graduate level. Courses are offered in the government, public administration, jurisprudence, literature, history, social philosophy, economics, and international relations of Russia and the Soviet Union. Intensive courses in the Russian language are offered by the department of Eastern European languages. Students are required to register for graduate study in a functional department of the University, as well as in the Institute, and to work for an advanced academic degree as well as the Institute's two-year certificate. Courses are designed to provide the student with a broad and well-integrated knowledge of Russia and the Soviet Union; command of a well-developed specialty in a selected academic discipline, as applied to that country; and a broad training in the more general aspects of this selected discipline. Thus, a student of Soviet political institutions is expected to qualify himself in political science no less well than the other students of the department of public law, as well as in basic courses in history, economics, international relations, and literature as they relate to the USSSR. Students in Columbia University registered in other graduate schools and departments may register for individual courses in the Institute, to provide comparative materials for further study in their functional field. Registration in seminars is limited to those with a working knowledge of Russian, and preference is given registrants for the certificate of the Institute. Close association is maintained by the Institute with the School of International Affairs.

The University of Southern California reports the establishment of a Delinquency Control Institute to provide specialized training for law enforcement officers and practitioners in allied fields. Students attend full time for a semester and are on leave with pay from their regular positions. Supervised field work in juvenile bureaus is provided. While the Institute is placed in the School of Public Administration for administrative convenience, the program and concept are definitely inter-departmental, with representatives of the College of Letters, Arts, and Sciences, the School of Law, the School of Education, and the Graduate School of Social Work participating in plan and operation. The curriculum was developed on a conference basis, including academic, public, and private agency members meeting at intervals over a period of two years, with Dr. John M. Pfiffner

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as chairman. Courses of study include Social Treatment Aspects of Delinquency Control, Special Police Techniques, Conditioning Factors in Juvenile Delinquency, Crime Prevention Techniques, Administrative Aspects of Delinquency Control, Techniques of Learning and Teaching, and Legal Aspects of Crime Prevention.

Political scientists will be interested to learn that the *Oesterreichische Zeitschrift fuer oeffentliches Recht* (formerly *Zeitschrift fuer oeffentliches Recht*) has made its reappearance. Editors are again A. Verdross, professor of international law and political theory, R. Koestler, professor of church law, and L. Adamovich, professor of administrative law and president of the Austrian Supreme Constitutional Court. All are connected with the University of Vienna. The first issue (Heft 1–2) contains obituaries of two famous academic figures who died during the Nazi occupation of Austria: Adolf Menzel, professor of political theory and public administration and Gustav Walker, professor of international private law and a former president of the International Law Association. Other contributions are articles on the foundation of international law by H. Kelsen, on postal law by R. Koestler, on the political theory of Sanders by E. Voegelin, on positive international law by R. Bluehdorn, on police and administration by L. Werner, on constitutional law in the United States by R. Neumann, on the character of the individual Soviet republics under international law by A. Verdross, and on income tax reforms by O. Jettmar. In view of the difficulties under which all publications labor in Austria, the journal will appear at irregular intervals; but presumably there will be several issues each year. It is published by the Springer-Verlag, Moelkerbastei 5, Vienna 1, Austria.

In connection with Princeton University's bicentennial program, Professor Harold H. Sprout served as chairman of the committee on a three-day conference, October 11–14, 1946, on "The Development of International Society." The conference was attended by a select group of fifty scholars from the United States and abroad. Harold W. Dodds, Isaiah Bowman, Richard P. McKeon, Harold J. Laski, Frank G. Boudreau, Sir John Boyd Orr, Eugene Staley, Theodore W. Schluttz, Charles W. Hendel, Hans Kohn, Florian Znaniecki, Philip C. Jessup, Tyler Dennett, Raymond Kennedy, Hamilton Fish Armstrong, Arnold Wolfers, Cornelius W. deKiewiet, Edward C. Carter, Allen W. Dulles, Owen Lattimore, Philip E. Mosely, Frederick S. Dunn, E. L. Woodward, Grayson L. Kirk, Raymond J. Sontag, Crane Brinton, Gerhart Niemeyer, Denna F. Fleming, and Quincy Wright were among the principal participants. Professor John F. Sly was chairman of a committee which arranged a conference on "The Evolution of Social Institutions," October 7–9, 1946.

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Walton Hamilton, Peter F. Drucker, Edward S. Corwin, Rupert B. Vance, Philip M. Hauser, Charles E. Merriam, Denis W. Brogan, E. Franklin Frazier, Corwin D. Edwards, Robert A. Gordon, Sumner H. Slichter, William Leiserson, David A. McCabe, Morris A. Copeland, Frank H. Knight, Jacob Viner, William Y. Elliott, Luther Weigle, Louis Finkelstein, Amos N. Wilder, Howard F. Lowry, Emil Brunner, William E. Hocking, and Henry P. Van Dusen were discussion leaders. On November 13–14, 1946, under the chairmanship of James Forrestal, assisted by Dr. Joseph McLean of the Princeton Local Government Survey, the University sponsored a conference on "University Education and the Public Service." The principal speakers and discussion leaders were Patterson H. French, Arthur H. Flemming, Leonard D. White, Donald C. Stone, Robert A. Lovett, Ferdinand Eberstadt, H. Struve Hensel, Seldon Chapin, George F. Kennan, Frederick S. Dunn, Sir James Grigg, E. L. Woodward, Paul Appleby, John M. Gaus, Pendleton Herring, Harold W. Dodds, Arthur Krock, Robert M. LaFollette, Jr., and James Forrestal.

At the twenty-fifth annual meeting of the Council on Foreign Relations, an expanded program of research and publication in the field of international affairs was approved. This will include a comprehensive history of American foreign relations during the war period, which will be prepared by Professor William L. Langer and a staff of assistants. Dr. Langer, professor of history at Harvard University, has been given leave of absence for a period of four years to enable him to undertake this monumental work. The meeting also approved the reinstitution of the annual survey of American foreign relations which was published from 1931 to 1941 under the title "The United States in World Affairs," but which had to be suspended during the war years; and confirmed the appointment of Dr. John C. Campbell as editor of the forthcoming annual volumes. Dr. Campbell has served in the Department of State as an expert in the Division of Southern European Affairs, and was recently secretary to the American delegation at the Council of Foreign Ministers and the Paris Conference. As a part of the expanded program of work, the Board also appointed Mr. Joseph Barber, Jr., to have charge of the development of foreign relations committees which the Council maintains in more than twenty cities throughout the country to study the foreign policy of the United States. Mr. Barber is the author of *Hawaii, Restless Rampart,* and during the war served on the staff of Admiral King in the Pacific theater. The Board also appointed Mr. William Diebold, Jr., to be economist of the Council from January 1 and to work under Professor Percy W. Bidwell, director of studies, in the field of international trade. Mr. Diebold is at present a member of the staff of the Division of Commercial Policy of the U. S. Department of State.

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John Archibald Fairlie, professor emeritus of political science at the University of Illinois, a former managing editor of the *American Political Science Review,* and a former president of the American Political Science Association, died on January 23, at the age of seventy-four, in Atlanta, Georgia, where he had gone to spend the winter in the home of his brother. He had never fully recovered from the effects of a major operation three years ago, and his health failed noticeably during the last few months. He was buried in the family plot in Jacksonville, Florida.

Professor Fairlie was born in Glasgow, Scotland, on October 30, 1872, and at the age of nine came to this country with his parents, settling in Jacksonville. He received his A.B. degree from Harvard University in 1895, his A.M., also from Harvard, in 1896, and his Ph.D. from Columbia in 1898. He served as an assistant in history at Harvard University in 1896–97, as a lecturer on municipal government at Columbia University in 1900, and as an assistant professor and junior professor of administrative law at the University of Michigan, 1900–1909. In 1909, he joined the department of political science at the University of Illinois, which had been established only five years earlier by Professor James W. Garner; and thus began the long association of those two distinguished political scientists with the University of Illinois, lasting more than thirty years, until Professor Garner's death in 1938 and Professor Fairlie's retirement in 1941. During those thirty-two years of his active service at Illinois, Professor Fairlie taught, particularly the principles of public administration, administrative law, jurisprudence, and municipal government, to hundreds of undergraduate and graduate students, who became his devoted friends and followers. He was at his best in the graduate seminar, guiding and directing the students in their researches and in the writing of their theses.

Professor Fairlie also had considerable experience in public service which helped to enrich and enliven his teaching. He was secretary to the New York State committee on canals in 1899–1900; delegate to the Michigan constitutional convention of 1907–08; special agent in the U. S. Bureau of Corporations, 1908 and 1909; chief clerk to the Illinois Tax Commission, 1910; chief of the Procurement Section in the War Department, 1918–19. While at Michigan, he served as secretary of the League of Michigan Municipalities, and shortly after going to Illinois, he became the principal founder and served for several years as secretary of the Illinois Municipal League. He was an alderman on the Urbana city council for six years, serving as chairman of the finance committee; and on various occasions he was called upon to give expert advice and assistance in respect to county and local financial problems in Illinois. Probably his most notable public service was the directorship of the Illinois Efficiency and Economy Committee, set up under Governor Lowden in 1914–15,

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the recommendations of which, under his leadership, set the pattern for state administrative reorganization in Illinois and in the numerous other states that undertook such reorganization.

Professor Fairlie was a prolific writer and editor, being the author of a dozen books, more than 200 articles or notes, and about 150 book reviews, principally relating to administration, local government, and finance. The most notable of his books were: *Municipal Administration* (1901); *National Administration of the United States* (1905); *Local Government in Counties, Towns, and Villages* (1906); *Essays on Municipal Administration* (1908); *Administrative Procedure in Great Britain* (1927); and (with C. M. Kneier) *County Government and Administration* (1930). He was the second managing editor of the *American Political Science Review*, serving for nine years (1916–25); for about thirty years he was a member and chairman of the Board of Editors of the Illinois Studies in the Social Sciences; and he edited numerous other studies and reports. During his long service on the University of Illinois faculty, he was actively associated as member or chairman of many committees having the determination of University and College policies. He became head of the department of political science in 1938, succeeding Professor Garner. He was one of the founders and most active members of the American Political Science Association, and was president in 1929. Following his retirement from the University in 1941, he was visiting professor at Ohio State University during two different semesters, 1942 and 1943; and he continued to serve until his death as a member of the Illinois Public Aid Commission. He is survived by a brother, Andrew M. Fairlie, a chemical engineer in Atlanta, and by two sisters, Miss Margaret Fairlie of Jacksonville, Florida, and Mrs. Agnes Ricketts of Jackson, Mississippi.—CLARENCE A. BERDAHL.

Leo S. Rowe. The death of Leo S. Rowe in an automobile accident in Washington, D.C., December 5, 1946, brought to an end one of the longest, most distinguished, and most useful careers in Pan American affairs during the past half-century. Born at McGregor, Iowa, September 17, 1871, Dr. Rowe completed his schooling in Philadelphia in 1887 and then entered the University of Pennsylvania, with which he was connected during most of the next thirty years. He took the degrees of Ph.B. and LL.B. at this University in 1890 and 1895, respectively, and the degree of Ph.D. at the University of Halle in 1892. Appointed instructor in municipal government at the University of Pennsylvania in 1894, he rose to professor of political science in 1904, which position he resigned in 1917 to go to Washington as Assistant Secretary of the Treasury. After two years in this post, he served as chief of the Latin American Division of the State Department until September, 1920, when he became Director-General of the Pan American Union. He still occupied the latter position at the time of his death. He never married.

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Beginning with his appointment in 1900 as a member of the Commission to Revise and Compile the Laws of Puerto Rico, he represented the United States government on many occasions—on national and international commissions and at international conferences—until 1920. After that date he took part in the regular and special Pan American Conferences (International Conferences of American States) in his capacity as Director-General of the Pan American Union. The last of these that he attended was the one held in 1945 at Chapultepec (Mexico City), where he had the satisfaction of seeing the conference adopt measures, some of which he had long advocated, for integrating the inter-American system and for strengthening the Pan American Union.

He was in no sense a "hemisphere isolationist." As a student and in his first years as a teacher, his major interest lay in the United States and Europe. Though his special interest in Latin America appears to have begun with his work on the Commission on Puerto Rico (1900–01), it did not assume major proportions until after the Third Pan American Conference at Rio de Janeiro (1906), which he attended as a delegate of the United States and at which he heard the famous address on Pan Americanism by Elihu Root, "precursor of the Good Neighbor policy." From this time forth, inter-American affairs absorbed Dr. Rowe's attention more and more, but he never lost the broad view of the interdependence between the Americas and the rest of the world with which he had entered the regional American field.

Dr. Rowe was influential in the field of scholarship and education as well as in public affairs. His courses at the University of Pennsylvania on the governments and the international relations of Latin America were among the first such courses given at any university in this country. His book, *The Federal System of the Argentine Republic* (1921), was long the standard work on the subject; and he was the author of several substantial books and articles on many other subjects. Through his friendship with the first Rector of the University of La Plata (Argentina), Joaquin V. González, he helped to shape the policies of that new university. As president of the American Academy of Political and Social Science, 1902–30, he exerted a strong influence in the field of what is now called adult education. In 1921, he occupied the post also of president of the American Political Science Association.

The many honorary degrees and decorations conferred upon Dr. Rowe by universities and governments throughout the Western Hemisphere testify to the widespread esteem in which he was held. The innumerable friends whom he won by his open, sympathetic, and generous nature remember him with warm affection as well as esteem.—ARTHUR P. WHITAKER.

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Benjamin Bruce Wallace. The American Political Science Association lost one of its finest members when Dr. Benjamn Bruce Wallace died in Washington, D. C., on January 5. The cause of death was a pulmonary embolism following pneumonia. Operating behind the scenes in his quiet way, "Ben" had long been a constructive force for good government. His sudden death was a profound shock to his many friends in and outside the profession.

Born in Wooster, Ohio, on December 16, 1882, Dr. Wallace received his B.A. in 1902 from Macalester College, of which his father was president, and his Ph.D. from the University of Wisconsin in 1912. In 1904, he became Minnesota's first Rhodes scholar. Wallace taught political science at Northwestern University from 1913 to 1918, when he joined the staff of the U. S. Tariff Commission. He was associated with the Tariff Commission for almost thirty years, serving at intervals as chief of its Division of International Relations from 1922 to 1937, and as its adviser on foreign trade policies from 1937 until his death. In these capacities he won a national reputation as a tariff expert and had planned to attend the Geneva Trade Conference in the spring of 1947.

In addition to his distinguished public service as an adviser to the government on tariff problems, Dr. Wallace's career was marked by two special interests: the welfare of the Chinese people and the modernization of Congress—to both of which he made constructive contributions.

His interest in China stemmed from the years he spent there as a member of the Kemmerer mission to China and as adviser to the Chinese ministry of finance during 1929–31. On the eve of his death, he showed his deep affection for the Chinese people by suggesting, as a last wish, that his friends, instead of sending funeral flowers, contribute to the American Bureau for Medical Aid to China. He and his first wife, Mrs. Katherine Seelye Wallace, who died in 1938, had many friends among the Chinese colony in Washington and often contributed in quiet ways to China's cause.

Dr. Wallace was also a pioneer in the movement for congressional reform. He took the initial steps in the Washington chapter of the Association which led to appointment of its standing Committee on Congress in 1941. He served as an active member of this committee until his death and personally financed all of its activities. Dr. Wallace deeply believed in the need for fundamental reforms in our national legislature, especially in liberating it from errand-running and local pressures. Almost his last act was to collaborate with Stanley High in an article entitled "A New Chance for the New Congress," which appeared in the December, 1946, issue of the *Reader's Digest*. I am glad that "Benjie," as we knew him, lived to see the passage and adoption of the Legislative Reorganization

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Act of 1946. And I acknowledge here my deep gratitude to him for his many constructive suggestions of methods for strengthening Congress as well as for his indispensable material support.

During 1931–33, Dr. Wallace was associated with the Office of Economic Adviser in the Department of State and participated in the London Economic Conference. And early in 1946 he was a member of the Mission on Japanese Combines, otherwise known as the Zaibatsu Mission, sent to Japan by the State and War Departments.

A painstaking if not a prolific writer, with a keen nose for factual accuracy, Dr. Wallace was co-author (with Lynn R. Edminster) of *The International Control of Raw Materials* (Brookings Institution, 1930), and a contributor to *War or Peace* (1937); *Financing the War* (1942); *The Reorganization of Congress* (1945); and various learned journals.

He was a long-standing member of the American Political Science Association, the American Economic Association, and other professional societies.—GEORGE B. GALLOWAY.

Forty-second Annual Meeting of the American Political Science Association. The forty-second annual meeting of the American Political Science Association was held at Cleveland, Ohio, on December 27–29, 1946, with the Hotel Statler as headquarters. This was the second annual meeting held in the year 1946, the 1945 meeting having been held in Philadelphia on March 28–30, 1946. The forty-second annual meeting marked a return to more normal conditions in the postwar period.

This meeting was held without conjunction with other learned societies. There was one joint session, however, with the National Council of the Social Studies. The registration numbered 650, as compared with 317 when the Association met in Cleveland in the year 1930; 555 in Columbus, Ohio, in 1938; and 649 in Philadelphia in 1946. The number of persons actually in attendance at round tables and other meetings is always larger than the number of registrants. Learned societies have not been entirely successful in educating their members to prompt registration at annual meetings.

The meeting in Cleveland coincided with the year of celebration of the 150th anniversary of the founding of the city of Cleveland. A distinguished program was offered as a result of the planning of Professor J. Alton Burdine (University of Texas), chairman of the Program Committee, and his colleagues of the same committee, including Cullen B. Gosnell (Emory University), W. Brooke Graves (Library of Congress), J. Donald Kingsley (Office of War Mobilization and Reconversion), Charles M. Kneier (University of Illinois), Arthur Macmahon (Columbia University), and Benjamin F. Wright, Jr. (Harvard University). The program included eight-

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een round tables, designed for informal discussion, and fourteen sections, in which prepared papers were presented and discussed. Many of the round tables and sections met twice. Others had only one session. One of the outstanding features of the meeting was the address by Major-General William J. Donovan, who spoke at the Friday luncheon on the subject of "Intelligence for Foreign Policy." The presidential address was delivered on Friday evening, and this year for the first time was supplemented by an address on a related topic by a distinguished jurist. On Saturday evening there was a general session on the United Nations, followed by a smoker at the Hotel Statler offered through the courtesy of Western Reserve University. Following the custom established at the 1945 meeting, several of the research panels of the Research Committee of the Association held discussion sessions the afternoon of the second day of the meeting. These were followed by the annual business meeting.

The program of the meeting as actually carried out was as follows:

Friday, December 27, at 9:30 A.M.

ROUND TABLE MEETINGS

(R-1) BEYOND RELATIVISM IN POLITICAL THEORY—*First Session*

(JOINT SESSION WITH THE POLITICAL THEORY PANEL OF THE COMMITTEE ON RESEARCH)

It is not the purpose of this round table to minimize the merits of relativism or of what is usually called the scientific method. Its purpose is rather (1) to take stock of the opinions held by participants and audience regarding the possibility of advancing beyond relativism in political theory, (2) to clarify the precise meaning of the different views, and (3) to discuss the legitimate functions of political theory under the competing opinions in the struggle of ideas.

Chairman: Arnold Brecht, New School for Social Research and Third Vice-President of the American Political Science Association.

Secretary: J. Roland Pennock, Swarthmore College.

Speakers: Francis G. Wilson, University of Illinois, and Chairman, Political Theory Research Panel; Gabriel A. Almond, Brooklyn College; Francis W. Coker, Yale University; John H. Hallowell, Duke University; Benjamin E. Lippincott, University of Minnesota; Eric Voegelin, Louisiana State University; Benjamin F. Wright, Harvard University.

(R-2) THE NEED FOR CONSTITUTIONAL REFORM—*First Session*

IS THERE A CONSTITUTIONAL CRISIS IN THE AMERICAN SYSTEM?

Chairman: W. Y. Elliott, Harvard University.

Secretary: Charles R. Cherington, Harvard University.

Speakers: Peter F. Drucker, Bennington College; Earl Latham, University of Minnesota.

Discussion: David Fellman, University of Nebraska; Charles B. Robson, University of North Carolina; C. Herman Pritchett, University of Chicago; George S. Pettee, Amherst College; Herman Finer, University of Chicago; H. M. Dorr, University of Michigan; Herbert McClosky, University of Minnesota.

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(R-3) FEDERAL ADMINISTRATION: TRANSITION FROM WAR TO PEACE—*First Session*

PLANNING AND COÖRDINATION IN THE FIELD OF ECONOMIC POLICY

Chairman: Emmette S. Redford, University of Texas.
Secretary: Wilfred D. Webb, University of Texas.
Speakers: J. Donald Kingsley, Office of War Mobilization and Reconversion; Marshall E. Dimock, Northwestern University; Merle Fainsod, Harvard University; J. C. Jenkins, U. S. Bureau of the Budget; Elmer B. Staats, U. S. Bureau of the Budget; Bertram M. Gross, Council of Economic Advisers; Claude E. Hawley, University of Southern California.

(R-4) POST-WAR GOVERNMENT PERSONNEL PROBLEMS—*First Session.*

IN THE FEDERAL GOVERNMENT

Chairman: Wallace S. Sayre, Cornell University.
Secretary: Elias Huzar, Cornell University.
Speakers: Henry F. Hubbard, Federal Council of Personnel Administration; Everett W. Reimer, Office of Price Administration; Arthur S. Flemming, U. S. Civil Service Commission; J. Donald Kingsley, Office of War Mobilization and Reconversion; William J. Ronan, New York University.

(R-5) POST-WAR PROBLEMS OF LOCAL GOVERNMENT—*First Session*

THE PROBLEMS OF CITIES

Chaiman: Arthur W. Bromage, University of Michigan.
Secretary: Herbert A. Simon, Illinois Institute of Technology.
Speakers: Charlton F. Chute, Governmental Research Institute, St. Louis; John M. Pfiffner, University of Southern California; Lent D. Upson, Wayne University; M. H. Satterfield, Tennessee Valley Authority.

(R-6) POLITICAL PARTIES—*First Session*

PROBLEMS AND PROGRESS IN RESPECT TO PARTY RESPONSIBILITY

Chairman: Clarence A. Berdahl, University of Illinois.
Secretary: E. Allen Helms, Ohio State University.
Speakers: Thomas A. Barclay, Stanford University; Paul T. David, U. S. Department of State; Claudius O. Johnson, Washington State College.

(R-7) INTERNATIONAL ORGANIZATION—*First Session*

CURRENT PROBLEMS IN INTERNATIONAL ORGANIZATION, GENERAL AND SPECIAL

Chairman: Pitman B. Potter, American University.
Secretary: Theodore R. Frye, Oberlin College.
Speakers: Quincy Wright, University of Chicago; Harold Sprout, Princeton University; Edward G. Lewis, University of Texas.

SECTION MEETINGS

(S-1) REPRESENTATIVE ASSEMBLIES IN A TECHNOLOGICAL AGE—*First Session*

CONGRESS

Chairman: Ernest S. Griffith, Library of Congress, for John A. Perkins, University of Michigan.

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Secretary: Mona Fletcher, Kent State University.
"Theories of Representation and the Functions of Representative Assemblies," Harold F. Gosnell, U. S. Department of State.
"The Congress, the President, and Twentieth Century Legislation," Lawrence Henry Chamberlain, Columbia University.
"Evaluation of the Legislative Reorganization Act of 1946," George B. Galloway, formerly Staff Director, Joint Committee on the Reorganization of Congress; Senior Specialist in Congressional Organization, Legislative Reference Service.
"The New Lobbying Law," Belle Zeller, Brooklyn College.

(S-2) GOVERNMENT AND BUSINESS IN THE POST-WAR PERIOD—*First Session*

AN APPRAISAL OF PRICE CONTROL AND DECONTROL IN THE POST-WAR PERIOD

Chairman: Charles C. Rohlfing, University of Pennsylvania.
Secretary: Bennett M. Rich, Rutgers University.
Participants: Ford P. Hall, University of Indiana; Edward W. Carter, University of Pennsylvania; Emerson P. Schmidt, Director of Economic Research, United States Chamber of Commerce; York Y. Willbern, University of Alabama.

(S-3) CONSTITUTIONAL PROBLEMS IN EUROPEAN COUNTRIES—*First Session*

Chairman: James K. Pollock, University of Michigan.
Secretary: Samuel J. Eldersveld, University of Michigan.
"Political Reconstruction in Germany—Interzonal and Intrazonal," Karl Loewenstein, Amherst College.
"Constitutional Developments in Austria," Erich Hula, New School for Social Research.
"Post-War Constitutional Changes in the USSR," John Hazard, Columbia University.
"Constitutional Developments in the Danubian Area," Andrew Gyorgy, Yale University.

(S-4) THE BRITISH COMMONWEALTH OF NATIONS

Chairman: Taylor Cole, Duke University.
Secretary: Walter H. Bennett, University of Alabama.
"Reconversion in India," John H. E. Fried, International Labor Office.
"Reconversion in Australia and New Zealand," Leslie Lipson, Victoria University College, New Zealand.
"Social Democracy in the British Commonwealth," W. Hardy Wickwar, Hamilton College.
"Consultation as a Form of Commonwealth Government," Eugene P. Chase, Lafayette College
Discussion: H. Gordon Skilling, University of Wisconsin; Raphael Tuck, McGill University.

Friday, December 27, at 12:30 P.M.

SUBSCRIPTION LUNCHEON

INTELLIGENCE FOR FOREIGN POLICY

Chairman: Walter F. Dodd, President, American Political Science Association.
Speaker: Maj. Gen. William J. Donovan, formerly Director, Office of Strategic Services.

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Friday, December 27, at 2:30 P.M.

ROUND TABLE MEETINGS

(R-8) PROBLEMS OF TEACHING IN POLITICAL SCIENCE—*First Session*

THE BEGINNING COURSE

Chairman: Francis O. Wilcox, Head International Relations Analyst, Library of Congress.

Speakers: Marshall E. Dimock, Northwestern University; Harold M. Dorr, University of Michigan; Asher N. Christensen, University of Minnesota; Royden Dangerfield, University of Oklahoma; Roscoe C. Martin, University of Alabama; Benjamin F. Wright, Harvard University.

(R-9) AMERICAN FOREIGN POLICY: THE PACIFIC AND FAR EAST—*First Session*

STRATEGIC IMPLICATIONS OF POLICY; THE PHILIPPINES; JAPAN

Chairman: Harold M. Vinacke, University of Cincinnati.

Secretary: Ardath Burks, Graduate Student, School of Advanced International Studies, Washington, D.C.

Speakers: Edward W. Mill, U. S. Department of State; H. Arthur Steiner, University of California at Los Angeles; John M. Maki, Author; Wolfgang H. Kraus, U. S. Strategic Bombing Survey.

(R-10) AMERICAN FOREIGN POLICY: LATIN AMERICA

Chairman: Graham Stuart, Stanford University.

Secretary: Howard A. Cook, Council on World Affairs, Cleveland, Ohio.

Speakers: W. Grafton Nealley, U. S. Department of State; William Manger, Counselor, Pan American Union; William S. Stokes, University of Wisconsin; Bryce Wood, Swarthmore College.

(R-12) THE MILITARY FACTOR IN POLITICS

Chairman: William M. McGovern, Northwestern University.

Secretary: Lynford A. Lardner, Northwestern University.

Speakers: Maj. Gen. William J. Donovan, formerly Director, Office of Strategic Services; William Y. Elliott, Harvard University; Colonel Louis J. Fortier, Armed Forces Staff College; John D. Millett, Columbia University; Franz L. Neumann, Columbia University; T. V. Smith, University of Chicago; Richard C. Snyder, Princeton University.

(R-13) AN APPRAISAL OF PRICE CONTROL AND DECONTROL IN THE POST-WAR PERIOD

Chairman: Charles C. Rohlfing, University of Pennsylvania.

Secretary: Bennett M. Rich, Rutgers University.

Speakers: York Willbern, University of Alabama; Edward W. Carter, University of Pennsylvania; Ford P. Hall, Indiana University; Emerson P. Schmidt, U. S. Chamber of Commerce.

SECTION MEETINGS

(S-5) DEVELOPMENTS IN ADMINISTRATIVE LAW—*First Session*

ADMINISTRATIVE TRIBUNALS

Chairman: James Hart, University of Virginia.

Secretary: H. Wesley Ward, Cornell College.

"The Administrative Agency—A Fourth Branch of the Government,?" Hans J. Morgenthau, University of Chicago.

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"The Role of *Smyth v. Ames* in Federal Rate Regulation," Frederick F. Blachly, The Brookings Institution.

"An Appraisal of the Federal Administrative Procedure Act," Julius Cohen, College of Law, University of Nebraska.

Discussion: Sylvester C. Smith, Jr., Newark, New Jersey, Chairman, Section of Administrative Law, American Bar Association; G. H. Durham, University of Arkansas; J. C. Pray, University of Oklahoma; F. H. Sherwood, University of California at Los Angeles; A. T. Vanderbilt, Dean, School of Law, New York University.

(S-6) INTERGOVERNMENTAL FISCAL RELATIONS—*First Session*

AS SEEN FROM A NATIONAL VIEWPOINT

Chairman: Wylie Kilpatrick, Governments Division, U. S. Bureau of the Census.

"The Current Picture of State and Local Finance," Lewis B. Sims, Governments Division, U. S. Bureau of the Census.

"Federal Functional Programs Affecting State and Local Finance," Hubert R. Gallagher, Council of State Governments.

"Mechanisms for Intergovernmental Fiscal Coöperation," M. I. Labovitz, U. S. Bureau of the Budget.

"Comparative American and Foreign Plans for Tax Coördination," James A. Maxwell, Clark University.

"Readjusting Functions and Areas," W. Brooke Graves, Legislative Reference Service, Library of Congress.

Discussion: Charles S. Ascher, National Housing Agency.

(S-7) TECHNOLOGY AND POLITICS

Chairman: Amry Vandenbosch, University of Kentucky.

Secretary: Willard N. Hogan, Berea College.

"Technology, National Resources, and Government," H. H. Bennett, Chief, Soil Conservation Service, U. S. Department of Agriculture.

"Technology and Politics," Herman Finer, University of Chicago.

"Can an Atomic War Be Avoided?," Denna E. Fleming, Vanderbilt University.

"Technological Change and Administration," S. McKee Rosen, United States Bureau of the Budget.

Discussion: Sigmund Neumann, Wesleyan University.

Friday, December 27, at 8:00 P.M.

PRESIDENTIAL ADDRESS AND GENERAL SESSION ON JUDICIAL ADMINISTRATION

Chairman: Arthur T. Vanderbilt, Dean, School of Law, New York University.

Presidential Address: "United States Supreme Court, 1936–1946," Walter F. Dodd, President, American Political Science Association.

"Set Ye Up a Standard in the Land," The Honorable Robert G. Simmons, Chief Justice of the Supreme Court of Nebraska.

Saturday, December 28, at 9:30 A.M.

ROUND TABLE MEETINGS

(R-1) BEYOND RELATIVISM IN POLITICAL THEORY—*Second Session*

(JOINT SESSION WITH THE POLITICAL THEORY PANEL OF THE COMMITTEE ON RESEARCH)

Chairman: Arnold Brecht, New School for Social Research and Third Vice-President, American Political Science Association.

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Secretary: J. Roland Pennock, Swarthmore College.
Speakers: See list for first session.

(R-2) THE NEED FOR CONSTITUTIONAL REFORM—*Second Session*

SOME PROPOSED CONSTITUTIONAL REFORMS—PRO AND CON

Chairman: W. Y. Elliott, Harvard University.
Secretary: Charles R. Cherington, Harvard University.
Speakers: Thomas Finletter, Coudert Brothers, New York City, and formerly Special Assistant to the Secretary of State; Don K. Price, Public Administration Clearing House.
Discussion: Oliver Garceau, University of Maine; George Galloway, Legislative Reference Service, Library of Congress; Albert Viton, United States Department of Agriculture; Earl Latham, University of Minnesota; Emile Smullyan, Bureau of Labor Statistics, United States Department of Labor.

(R-3) FEDERAL ADMINISTRATION: TRANSITION FROM WAR TO PEACE—*Second Session*

ORGANIZATION PLANNING; CONGRESSIONAL RELATIONS

Chairman: Emmette S. Redford, University of Texas.
Secretary: Wilfred D. Webb, University of Texas.
Speakers: Marshall E. Dimock, Northwestern University; Merle Fainsod, Harvard University; J. C. Jenkins, U. S. Bureau of the Budget; Claude E. Hawley, University of Southern California; J. Donald Kingsley, Office of War Mobilization and Reconversion; Elmer B. Staats, U. S. Bureau of the Budget; Bertram M. Gross, Council of Economic Advisers.

(R-4) POST-WAR GOVERNMENT PERSONNEL PROBLEMS—*Second Session*

IN THE INTERNATIONAL AGENCIES

Chairman: Wallace S. Sayre, Cornell University.
Secretary: Elias Huzar, Cornell University.
Speakers: Russell Cook, United Nations; Frederick C. Mosher, United States Department of State; William J. Ronan, New York University; Paul David, U. S. Department of State.

(R-5) POST-WAR PROBLEMS OF LOCAL GOVERNMENT—*Second Session*

THE PROBLEMS OF COUNTIES

Chairman: Arthur W. Bromage, University of Michigan.
Secretary: Herbert A. Simon, Illinois Institute of Technology.
Speakers: Thomas H. Reed, Connecticut Public Expenditure Council; Estal E. Sparlin, Legislative Research Committee, State of Missouri; George W. Spicer, University of Virginia; Edward W. Weidner, University of Minnesota; Raymond C. Atkinson, U. S. Bureau of the Budget.

(R-6) POLITICAL PARTIES—*Second Session*

PROSPECTS FOR PARTY REALIGNMENT

Chairman: Clarence A. Berdahl, University of Illinois.
Secretary: E. Allen Helms, Ohio State University.
Speakers: Floyd McCaffree, Research Director, Republican National Committee; Arthur E. Naftalin, Secretary to the Mayor of Minneapolis; Alden L. Powell, Louisiana State University

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(R-7) INTERNATIONAL ORGANIZATION—*Second Session*

Chairman: Pitman B. Potter, American University.
Secretary: Theodore R. Frye, Oberlin College
Speakers: Walter R. Sharp, College of the City of New York; John Brown Mason, Oberlin College; John H. E. Fried, International Labour Office.

(R-8) PROBLEMS OF TEACHING IN POLITICAL SCIENCE—*Second Session*

TRAINING AIDS

Chairman: John D. Millett, Columbia University.
Secretary: Robert J. M. Matteson, Institute of Public Administration.
Speakers: John G. Bradley, Motion Picture Project, Library of Congress; Jack Johnson, State University of Iowa; Ruth G. Weintraub, Hunter College.

(R-13) INTERGOVERNMENTAL FISCAL RELATIONS—*Second Session*

AS SEEN FROM THE STATES AND COMMUNITIES

Chairman: Wylie Kilpatrick, Governments Division, U. S. Bureau of the Census.
Speakers: Harold F. Alderfer, Pennsylvania State College; Victor D. Brannon, St. Louis Bureau of Governmental Research; Roy Brown, Tax Foundation; Stuart A. MacCorkle, University of Texas; Joseph M. Ray, University of Maryland; Robert F. Steadman, National Institute of Public Affairs; Paul W. Wager, University of North Carolina; Harvey Walker, Ohio State University.

(R-14) GOVERNMENTAL LABOR POLICIES IN THE POST-WAR PERIOD

Chairman: Charles C. Rohlfing, University, of Pennsylvania.
Secretary: Bennett M. Rich, Rutgers University.
Speakers: Raymond S. Short, Temple University; John P. Horlacher, University of Pennsylvania; Frank P. Fenton, American Federation of Labor; Henry G. Hodges, Dayton, Ohio; Ray Livingstone, Cleveland, Ohio.

SECTION MEETINGS

(S-1) REPRESENTATIVE ASSEMBLIES IN A TECHNOLOGICAL AGE—*Second Session*

STATE LEGISLATURES

Chairman: Donald Axelrod, Albany, N. Y., for John A. Perkins, University of Michigan
Secretary: Mona Fletcher, Kent State University.
"Function of State Legislatures," Lynton K. Caldwell, Director of Research and Publications, Council of State Governments.
"Quality and Representativeness of State Legislators," Harvey Walker, Ohio State University.
"Critical Problems of Legislative Organization and Procedure," J. F. Isakoff, Director of Research, Illinois Legislative Council.
"Practical Suggestions and Prospects for Legislative Reform," D. Hale Brake, Treasurer of the State of Michigan.

(S-2) GOVERNMENT AND BUSINESS IN THE POST-WAR PERIOD—*Second Session*

GOVERNMENTAL LABOR POLICIES IN THE POST-WAR PERIOD

Chairman: Charles C. Rohlfing, University of Pennsylvania.
Secretary: Bennett M. Rich, Rutgers University.

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Participants: John P. Horlacher, University of Pennsylvania, and Chairman, Regional Wage Stabilization Board, Third Region; Ray Livingstone, Vice-President in Charge of Personnel, Thompson Products, Cleveland, Ohio; Frank P. Fenton, Director of Organizations, American Federation of Labor.

(S-3) CONSTITUTIONAL PROBLEMS IN EUROPEAN COUNTRIES—*Second Session*

Chairman: James K. Pollock, University of Michigan.
Secretary: Samuel J. Eldersveld, University of Michigan.
"Italy," Mario Einaudi, Cornell University.
"France," Robert K. Gooch, University of Virginia.
"Scandinavia," Roy Peel, University of Indiana.
"The Netherlands," Samuel J. Eldersveld, University of Michigan.
Discussion: Marbury B. Ogle, Purdue University; Lionel Laing, University of Michigan; Erich Hula, New School; John Hazard, Columbia University; Karl Loewenstein, Amherst College; Army Vandenbosch, University of Kentucky; Warner Moss, William and Mary College.

Saturday, December 28, at 12:30 P.M.

SUBSCRIPTION LUNCHEON

GOVERNMENT AND OUR NATIONAL ECONOMY

Chairman: Arnold Brecht, New School for Social Research, and Third Vice-President, American Political Science Association.
Speaker: Leon H. Keyserling, Vice-Chairman, Council of Economic Advisers, Executive Office of the President.

Saturday, December 28, at 2:15 P.M.

SECTION MEETING

(S-8) THE MANPOWER OF THE COURTS

Chairman: Arthur T. Vanderbilt, New York University, Dean of Law School.
Secretary: Francis R. Aumann, Ohio State University.
"Judges: Their Selection and Powers," The Honorable Laurence M. Hyde, Justice of the Supreme Court of Missouri.
"Jurors: Their Selection and Powers," The Honorable John C. Knox, Senior Judge of the United States District Court of the Southern District of New York.
"Court Officers: Their Selection and Responsibilities," Ralph R. Temple, Judicial Administration Consultant.
"Making the Judicial Machinery Function Efficiently: The Rule-Making Power; Judicial Councils; Judicial Statistics; the Administrative Office of the Courts," Henry P. Chandler, Director of the Administrative Office of the United States Courts.
Discussion: Glen R. Winters, American Judicature Society.

RESEARCH PANELS OF THE COMMITTEE ON RESEARCH

(1) COMPARATIVE GOVERNMENT

Chairman: Taylor Cole, Duke University.
Secretary: Andrew Gyorgy, Yale University.
"Field Research in Germany," James K. Pollock, University of Michigan.

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"Field Research in Soviet Russia," John N. Hazard, Columbia University.
"Field Research in China," Paul M. A. Linebarger, School of Advanced International Studies, Washington, D. C.
"Comparative Government Research and Area Training Courses," Frederick M. Watkins, McGill University.
"A Future Publication Program in Comparative Government," Harold W. Stoke, University of New Hampshire.
"UNESCO and Future Foreign Research Collaboration," Pitman B. Potter, American University, and Managing Editor, *The American Journal of International Law.*

(2) STATE AND LOCAL GOVERNMENT

Chairman: William Anderson, University of Minnesota.
Secretary: Dorothy Walker, Louisiana State University.
Participants: William L. Bradshaw, University of Missouri; W. Brooke Graves, Legislative Reference Service, Library of Congress; Winston W. Crouch, University of California at Los Angeles.

(3) MILITARY GOVERNMENT

Chairman: C. J. Friedrich, Harvard University.
Secretary: A. A. Maass, Harvard University.
Participants: J. T. Caldwell, Vanderbilt University, J. Q. Dealey, Jr., War Department; Joseph Bruner, Grinnell College; H. T. Goss, War Department; H. J. Heneman, United States Department of State; R. M. W. Kempner, Lansdowne, Pa.; E. G. Lewis, University of Texas; R. E. Long, University of Vermont; J. B. Mason, Oberlin College; Franz Neumann, Columbia University; R. G. Neumann, University of Wisconsin; Wallace Parks, Bureau of the Budget; W. D. Stout, University of Kentucky; P. H. Taylor, Syracuse University; W. W. White, Western Reserve University; Quincy Wright, University of Chicago; Harold Zink, DePauw University.

(4) REPRESENTATIVE GOVERNMENT AND THE LEGISLATIVE PROCESSES

Chairmen: Ernest S. Griffith, Library of Congress; Roland A. Young, Harvard University.
Secretary: Clarence Hechler, United States Bureau of the Budget.
Participants: Arthur W. Macmahon, Columbia University; Harvey Walker, Ohio State University; Belle Zeller, Brooklyn College; Donald C. Blaisdell, United States Department of State; Rodney Mott, Colgate University.

Saturday, December 28, at 4:30 P.M.

ANNUAL BUSINESS MEETING OF THE ASSOCIATION

Chairman: Walter F. Dodd, President, American Political Science Association.

Saturday, December 28, at 6:30 P.M.

DINNER MEETINGS

(1) PENNSYLVANIA POLITICAL SCIENCE AND PUBLIC ADMINISTRATION ASSOCIATION

Chairman: Jacob Tanger, President, Pennsylvania Political Science and Public Administration Association.

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(2) MAXWELL GRADUATE SCHOOL OF CITIZENSHIP AND PUBLIC AFFAIRS

Chairman: F. G. Crawford, Vice Chancellor, Syracuse University.

(3) CONFERENCE ON COÖRDINATION OF FAR EASTERN RESEARCH

Chairman: Harold M. Vinacke, University of Cincinnati.

Saturday, December 28 at 8:00 P.M.

GENERAL SESSION

THE UNITED NATIONS

Chairman: Louis Brownlow, Public Administration Clearing House, and First Vice-President, American Political Science Association.

Speakers: "The First Year of the United Nations," Andrew Codier, Executive Assistant to Secretary-General Trygve Lie.

"The Future of the United Nations," Admiral R. K. Turner, United States Naval Representative of United Nations Military Staff Committee.

Sunday, December 29, 8:00 A.M.

BREAKFAST MEETINGS

(1) PI SIGMA ALPHA

Chairman: Charles W. Shull, Wayne University, and National President, Pi Sigma Alpha.

(2) NATIONAL COUNCIL FOR THE SOCIAL STUDIES

(JOINT SESSION WITH THE AMERICAN POLITICAL SCIENCE ASSOCIATION)

Chairman: Robert Keohane, University of Chicago.

Address: "What the Professional Political Scientist Can Do to Assist Social Studies Teachers in the Secondary Schools," Howard White, Miami University.

Sunday, December 29, at 9:30 A.M.

ROUND TABLE MEETINGS

(R-9) AMERICAN FOREIGN POLICY: THE PACIFIC AND FAR EAST—*Second Session*

POLITICAL AND ECONOMIC ASPECTS OF POLICY: CHINA

Chairman: Harold M. Vinacke, University of Cincinnati.

Secretary: Ardath Burks, Graduate Student, School of Advanced International Studies, Washington, D. C.

Speakers: James K. Penfield, U. S. Department of State; Paul M. A. Linebarger, School of Advanced International Studies, Washington, D. C.; George E. Taylor, University of Washington.

(R-14) CITIZEN PARTICIPATION IN DEMOCRATIC GOVERNMENT

Chairman: Franklin L. Burdette, University of Maryland.

Secretary: John E. Bebout, National Municipal League.

Speakers: Harold F. Alderfer, Institute of Local Government, Pennsylvania State

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College; Brooks Emeny and Shepherd L. Witman, Council on World Affairs, Cleveland, Ohio; Marvin B. Osterman, De Paul University, and Division of Administrative Management, Sixth Regional Wage Stabilization Board, Chicago; M. L. Wilson, U. S. Department of Agriculture; W. O. Cortelyou, Roosevelt College, Chicago.

(R-15) PRESSURE GROUPS

Contributions of Veterans Organizations to Public Policy

Chairman: Belle Zeller, Brooklyn College.
Secretary: Charles R. Cherington, Harvard University.
Speakers: Colonel John N. Andrews, Personal Representative of General Omar Bradley, Administrator of Veterans' Affairs; Donald C. Blaisdell, Associate Chief of the Division of International Security in the United States Department of State; Robert E. Merriam, Director, Metropolitan Housing Council of Chicago; Colonel John Thomas Taylor, Director, National Legislative Committee of the American Legion.

(R-16) THE POLITICAL PATHOLOGY OF THE SOUTH

Changing Issues of Race, Class, and Party

Chairman: H. C. Nixon, Vanderbilt University.
Secretary: John T. Caldwell, Vanderbilt University.
Speakers: Donald Strong, University of Alabama; Lynwood M. Holland, Emory University; J. B. Shannon, University of Kentucky; Manning J. Dauer, University of Florida; J. E. Miller, Lincoln University.

(R-17) THE TRIALS OF WAR CRIMINALS

Considerations of Policy and Practicality, as Well as of Jurisdiction and Substantive Law

Chairman: Charles Fairman, Stanford University.
Speakers: Lawrence Preuss, University of Michigan, formerly of the Department of State and Adviser, United Nations Commission for the Investigation of War Crimes; H. A. Hauxhurst, Member of the Cleveland Bar, and formerly of the International Prosecution Section before the International Military Tribunal at Tokyo; Colonel H. William Holsinger, Member of the Cleveland Bar, and formerly Executive Officer, Legal Section, Headquarters of the Supreme Commander, Allied Powers in the Pacific.

(R-18) AMERICAN FOREIGN POLICY: EUROPE

American-Soviet Relations

Chairman: C. J. Friedrich, Harvard University.
Secretary: Charles Carroll, Harvard University.
Speakers: W. Y. Elliott, Harvard University; Waldemar Gurian, University of Notre Dame; John N. Hazard, Columbia University; H. J. Heneman, Special Assistant to the Assistant Secretary of State for the Occupied Areas; Marbury B. Ogle, Jr., Purdue University; Arnold Wolfers, Yale University; Hans Simons, New School for Social Research.

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Section Meetings

(S-5) DEVELOPMENTS IN ADMINISTRATIVE LAW—*Second Session*

Administrative Law in World War II

Chairman: James Hart, University of Virginia.
Secretary: H. Wesley Ward, Cornell College.
"Administrative Legislation in the War Production Board," Arthur N. Holcombe, Harvard University.
"OPA Contributions to Administrative Regulatory Practice," Harvey C. Mansfield, Chief, History Branch, Office of Price Administration.
"Price Control in the Courts—The Battle of the Meat Regulations," Nathaniel H. Nathanson, School of Law, Northwestern University.
Discussion: Earl Latham, University of Minnesota; Charles Aikin, University of California.

(S-10) METROPOLITAN GOVERNMENT

Chairman: Victor Jones, Wesleyan University.
Secretary: Stephen K. Bailey, Wesleyan University.
"Planning and Political Responsibility in Metropolitan Areas," Herbert A. Simon, Illinois Institute of Technology.
"Effect of Party Organizational Patterns on Party Attitudes toward Metropolitan Government," Hugh A. Bone, Queens College.
"Developments in Metropolitan Birmingham," J. Weldon Cooper, University of Alabama, and member of the Legislative Advisory Committee for the Jefferson County Survey.
"Developments in Metropolitan Cleveland," Earl L. Shoup, Western Reserve University

(S-11) CIVIL LIBERTIES

Chairman: Vincent M. Barnett, Jr., Williams College.
Secretary: Foster H. Sherwood, University of California at Los Angeles.
"The Expansion of the 'Clear and Present Danger' Concept," R. E. Cushman, Cornell University.
"The Supreme Court and Federal Protection of Civil Rights," R. K. Carr, Dartmouth College.
"The Right of Peaceful Picketing," R. A. Horn, Harvard University.
"Administrative Procedures and Civil Liberties," Foster H. Sherwood, University of California at Los Angeles.

(S-12) PUBLIC OPINION AND POLITICAL COMMUNICATIONS

Actual and Potential Contribution to the Understanding and Practice of Government

Chairman: Herman C. Beyle, Syracuse University.
Secretary: Roscoe Baker, Northwestern University.
"A Study of Sources and Levels of Information on World Affairs," Angus Campbell, Survey Research Center, University of Michigan.
"Opinion and Communications Research: What Neglected Governmental Angles?," V. O. Key, Johns Hopkins University.
"Public Attention and Public Opinion," Harold D. Lasswell, Institute of International Studies, Yale University.
"Contribution of the Opinion Polls to an Understanding of Government," George H. Gallup, American Institute of Public Opinion.

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(S-13) UNIVERSITY BUREAUS OF PUBLIC ADMINISTRATION

A Critical Appraisal of Organized Institutional Research in American Universities

Chairman: Rowland Egger, University of Virginia.
Secretary: William C. Rogers, Public Administration Clearing House.
"A Critical Appraisal of the Research Product of University Bureaus of Public Administration," George W. Spicer, University of Virginia.
"A Critical Appraisal of the Service Programs of University Bureaus of Public Administration," Harvey Walker, Ohio State University.
"A Critical Appraisal of the Educational and Training Activities of University Bureaus of Public Administration," George A. Graham, Princeton University.
"A Critical Appraisal of University Bureaus of Public Administration from the Standpoint of an Operating Agency," Lawrence L. Durisch, Tennessee Valley Authority.
"A Critical Appraisal of University Bureaus of Public Administration from the Standpoint of a Professional Association of Public Officials," Orin F. Nolting, International City Manager's Association.
"A Critical Appraisal of University Bureaus of Public Administration from the Standpoint of a Private Management Consultant," Joseph Pois, J. L. Jacobs & Company, Chicago.

(S-14) ATOMIC ENERGY AND SOCIAL EDUCATION

(Joint Session of the National Council for the Social Studies and the American Political Science Association

Chairman: Clyde F. Varner, Head, Social Studies Department, John Marshall High School, and President of the Greater Cleveland Council for the Social Studies.
Secretary: Wilbur F. Murra, Special Assistant to the Committee on International Relations, National Education Association.
"The Challenge of the Atomic Scientist to the Social Scientist," William A. Higinbotham, Executive Secretary, Federation of American Scientists.
"Adapting Social Education to Meet the Challenge," Charles W. Merrifield, University of Denver, and Executive Secretary, Rocky Mountain Conference on Atomic Energy.

Sunday, December 29, at 12:30 P.M.

Subscription Luncheon

THE EMERGING CONFLICT OF POLITICAL IDEALS

Chairman: Arthur N. Holcombe, Harvard University.
"Clericalism," Eric Voegelin, Louisiana State University.
"Nationalism," William M. McGovern, Northwestern University.
"Soviet Communism," Albert Parry, Chicago.

The Executive Council of the Association met in morning and afternoon sessions on December 26. In attendance were President Walter F. Dodd, First Vice-President Louis Brownlow, Third Vice-President Arnold Brecht, Secretary-Treasurer Kenneth Colegrove, Assistant Secretary-Treasurer Harvey Walker, Managing Editor Frederic A. Ogg, Arthur Bromage, J. A. C. Grant, Edward F. Dow, Robert J. Harris, Chester C.

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Maxey, Robert H. Connery, and C. Perry Patterson. In addition, the meeting was attended by two past presidents, William Anderson and Robert E. Cushman, and by chairmen of most of the Association's committees.

Its agenda consisted of forty-one items, including the approval of the minutes of the meeting of the Executive Council in Philadelphia on March 27, 1946, and the annual business meeting of March 29; a report on the acts of the President; reports of the Secretary-Treasurer on the membership and finances of the Association; report of the Audit Committee; adoption of the budget for 1948; a report of the Managing Editor of the REVIEW and the election of members of the Board of Editors for 1947–48; a report of the representatives of the Association in the American Council of Learned Societies; a report on the Personnel Service; a report of the Committee on Nomination of Officers for 1947; and reports from fifteen special and standing committees, as well as a number of significant items of new and unscheduled business. The Council was addressed at its luncheon session by First Vice-President Louis Brownlow and at its dinner session by C. Perry Patterson and Arthur W. Macmahon.

The minutes of the Philadelphia meeting of the Executive Council and of the business meeting were, on motion, approved as printed in the REVIEW. On motion of William Anderson, seconded by Frederic A. Ogg, the Council noted with regret the absence of Miss Martha Torrison, records secretary, from the Council meeting due to a recent operation, and directed the Secretary-Treasurer to convey to her the felicitations of the Executive Council upon her recovery. President Dodd, in reporting upon his acts, indicated that he had continued most of the existing committees, with some changes in personnel, and that he had added a Committee on the Judicial Function under the chairmanship of Dean Arthur Vanderbilt of New York University. He had also directed the Committee on American Legislatures to expand the scope of its activities by the appointment of a Subcommittee on State Legislatures. The Committee on International Cultural Relations, authorized at the Philadelphia meeting, was also reported as having been established during the year.

Secretary-Treasurer Colegrove, in reporting upon the membership of the Association, indicated that it now had the largest total membership in its history. The number of members as of December 15, 1946 was 4,075,—960 new members had been received during the year and 351 memberships had been canceled, leaving a net gain of 609, the largest in Association history. The Association now has 42 life members. A large part of the increase in membership is among graduate students in political science, who are becoming associate members of the Association.

The financial report of the Secretary-Treasurer reflected the member-

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ship gain, showing total income for the year ending December 15, 1946, of $23,872.14, of which $19,879.76 was for memberships. The bank balance of the Association in its regular account on December 15 was $12,729.99, an increase of $2,973.54 over the previous year. There were accounts receivable of $792.03 and $3.50 in accounts payable. Expenditures for 1946 were $20,469.63 from the general funds and $214.01 from the trust funds. Of the general fund expenditures, $10,893.84 represented the cost of publication of the REVIEW, and $9,575.79 the other expenses of the Association. These expenditures represent an increase over budget estimates of some $1,100.00, most of which is due to a substantial increase in the cost of publishing the REVIEW. This increase amounted to $1,282.16; and, since the increase represents a 17½ per cent advance in the cost of publication for only the last six months of 1946, the cost for the year 1947 will be even greater.

Trust funds of the Association on December 15, 1946, totaled $11,345.71, an increase of $2,225.51 over the previous year. Of this amount, $10,600.00 is in United States Government bonds and $745.71 in cash. The assets of the Association other than cash include office equipment valued at a depreciated figure of $324.54 and an inventory of back numbers of the REVIEW, which is carried in the accounts at $8,000.00. There is also a small stock of other publications which are not valued and carried in the report.

The books of the Association for 1946 were closed on December 15, and a commercial audit was made as of that date by Alexander Grant and Company, 1 North La Salle Street, Chicago, Illinois, certified public accountants. The Committee on Audit of the Association, composed of John Day Larkin and Herbert A. Simon, examined the accounts of the Secretary-Treasurer and verified the audit prepared by the commercial auditors. The report of the committee is as follows:

"We have examined the accounts of the Secretary-Treasurer of the American Political Science Association and have verified the audit report made by Alexander Grant and Company, which is attached. We have found the statement of the accounts as prepared by the Secretary-Treasurer to be correct.

"The financial conditions of the Association during the past year, ending December 15, 1946, have improved over those of preceding years. This has resulted from an increase in all classifications of membership: associate, regular, sustaining, contributing, and life members. Total receipts for the year plus the balance from 1945 were $33,199.65. Disbursements have been $20,469.63, leaving a balance of $12,730.02.

"The Committee recommends that this balance of $12,730.02 be retained subject to the disposition of the Secretary-Treasurer to meet the appreciable increase in current operating expenses as a result of increase in the cost of publishing the REVIEW and the higher salaries necessary for the staff. The committee wishes particularly to call attention to the fact that $7,477.90 of this amount represents prepaid memberships."

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This report was, on motion of J. A. C. Grant, seconded by John G. Heinberg, approved by the Council. The reports of the Secretary-Treasurer on finances and membership were also approved, and on motion of Chester C. Maxey, seconded by C. Perry Patterson, the budget for 1947, submitted by the Secretary-Treasurer, calling for estimated receipts of $22,365.00 and expenditures of $22,300.00, was approved.

The Council noted with profound regret the passing during the year of former president Leo S. Rowe and of two other distinguished members of the Association, Augustus R. Hatton and William E. Mosher. Memorials have already been published in the REVIEW for Dean Mosher and Professor Hatton, and a memorial for Dr. Rowe appears in the present issue.

The report of the Committee on Nomination of Officers for 1947 was presented by Denna F. Fleming of Vanderbilt University, chairman. Other members of the committee were John E. Briggs (University of Iowa), Everett S. Brown (University of Michigan), Robert E. Cushman (Cornell University), and Edward M. Earle (Princeton University). The committee proposed for president Arthur W. Macmahon (Columbia University), for first vice-president Quincy Wright (University of Chicago), for second vice-president V. O. Key, Jr. (Johns Hopkins University), for third vice-president Charles Fairman (Leland Stanford University), and for new members of the Executive Council for the three-year term 1947–49, Taylor Cole (Duke University), George Graham (Princeton University), Llewellyn Pfankuchen (University of Wisconsin), John Vieg (Pomona College), Belle Zeller (Brooklyn College). These recommendations were made after an advisory ballot, as provided by the constitution of the Association, in which suggestions were submitted by 179 members.

The Committee on Nominations included in its report two recommendations for changes in nominating methods: (1) that the ballot be shortened to include only one nomination for each office to be filled rather than two as at present, and (2) that the advisory ballots be sent out in the second half of the Association year rather than the first half. The report of the committee was received and approved by the Executive Council. The nominations were referred to the business meeting of the Association for action, and the recommendations on nominating procedure to the Nominating Committee for 1947.

The report of Frederic A. Ogg, Managing Editor of the REVIEW, indicated that Volume XL (1946) contained a total of 1,225 pages of textual material as compared with 1,256 in 1945. The number of pages devoted to leading articles was 268, a substantial gain over the preceding year, when 175 pages were devoted to such articles. The fields of interest in political science were represented by the following numbers of pages: (1) American Government and Politics, 146; (2) Constitutional Law, 51; (3) Public Administration, 45; (4) Rural Local Government, 11; (5) Foreign

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Government and Politics, 48; (6) International Affairs, 41; (7) Instruction and Research, 56; (8) News and Notes, Personal and Miscellaneous, 83; (9) Book Reviews and Notices, 276; (10) Recent Publications of Political Interest, 171; (11) Doctoral Dissertations in Preparation, 14; and (12) Volume Index, 15.

The principal reason for the reduction in the total number of pages in 1946 was the increased cost of publication. The average size of issues was 204 pages, which the editor considers to be a minimum if the present general scheme of contents is to be maintained. The editor expressed regret that some of the mailings during 1946 were delayed, but explained that this was due to conditions in the printing business and that we were in a decidedly better position than many other publications. The allocation of space in the REVIEW is affected considerably by certain service features, which the profession appears to desire, which cut deeply into the space available for publication of articles. After these service features have been provided for, less than 80 pages remain in each issue, or approximately 500 pages in a volume. This is one reason why not more than one article in four of those submitted can be accepted. The Managing Editor indicated that it was proposed to reduce somewhat the frequency of symposia and to require those which appear to be briefer, and thus save space for other articles. An effort will also be made to reduce the length of certain leading articles in order to permit more diversification.

The Managing Editor reported that the terms of Everett S. Brown, Harwood L. Childs, Russell H. Fitzgibbon, Charles C. Rohlfing, and Frederic L. Schuman continued for another year, but that those of Robert E. Cushman, Fritz Morstein Marx, Lennox A. Mills, Louise Overacker, and Carl B. Swisher expired with this meeting. He nominated to the Council for election, as provided by the Constitution, Robert E. Cushman (Cornell University), Robert K. Gooch (University of Virginia), David Fellman (University of Nebraska), Fritz Morstein Marx (United States Bureau of the Budget) and C. Herman Pritchett (University of Chicago). On motion of J. A. C. Grant, seconded by C. Perry Patterson, the nominees recommended by the Managing Editor were elected for a two-year term as members of the Board of Editors.

In the absence of Franklin L. Burdette, Editor of the *Directory of the American Political Science Association*, Kenneth Colegrove, chairman of the committee, reported for the committee on the *Directory*. Of the 2,313 copies of the first edition, 2,017 had been sold, the remaining copies being quite adequate to account for the $193.86 needed to balance the expenditures for the printing. Considerable demand for a second edition had been indicated to the officers; and the Executive Council, on motion of Kenneth Colegrove, seconded by John Heinberg, approved the recommendation of the Committee on the *Directory* that publication of a second edi-

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tion be set for 1948, if practicable, and that editorial work begin as soon as feasible or necessary in 1947. The Secretary-Treasurer was directed to draw on general balances of the Association up to $1,500.00 to finance the cost of publishing the second edition. The balance needed to cover the cost of printing will be defrayed from advance subscriptions.

Frederic A. Ogg, one of the representatives of the Association in the American Council of Learned Societies, reported on the activities of that organization which were of interest to our members. (The second representative of the American Political Science Association is Joseph P. Chamberlain.) In view of proposed changes in the constitution and by-laws of the American Council, the report was devoted principally to a discussion of the basic factors underlying the proposed reorganization. It is expected that the changes will be adopted at the meeting of the American Council at Rye, New York, January 29 to February 1.

The American Council of Learned Societies was organized at the close of World War I to create an agency which could speak for the humanistic and social science interests of the United States in dealings with the International Union of Academies. This early function has been increasingly overshadowed by the work of the Council in coördinating, developing, and supporting American research and training in the fields of the member societies. The societies affiliated with the ACLS at present number twenty-four, including our own. The work of the Council is supported largely by the Rockefeller Foundation and the Carnegie Corporation, although large additional amounts were available during the war in payment for services to the federal government. For some time, opinion has been growing both in the Council and in the Foundations that, if the Council could be reorganized to make it less cumbersome, it would be more effective. Omitting many details, the principal changes provided for in the new by-laws are as follows: (1) reduction of representation of constituent societies from two to one, with eight members at large elected by the Council from a panel prepared by the Board of Directors; (2) the substitution of a Board of Directors of eight, plus the officers of the Council, for the present Executive Committee and Advisory Board; (3) the separation of the treasurership from the secretaryship; and (4) changing the title of the Director to Executive Director and providing for his appointment by the Board of Directors rather than by the Executive Committee. If approved by the ACLS, the proposed changes will be referred to the Executive Council of the Association for ratification.[1]

William Anderson, chairman of the Committee on Endowment, reported for the committee, indicating that the brochure prepared by the committee entitled "Political Science and the World of Tomorrow" had

[1] The new by-laws were adopted by the ACLS on January 29. MAN. ED.

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been published and would be distributed to the members at the annual meeting. Additional copies will be mailed to all members of the Association. He suggested that members should see that it is placed in the hands of persons of means who might be in a position to contribute to the Endowment Fund of the Association either by gift or by will, and in the hands of attorneys and trust companies who are called upon to advise in the preparation of wills.

John Briggs, chairman of the Committee on Regional and Functional Societies, reported that the regional associations were resuming their meetings after the war and that there were evidences of increased activity in such associations in all parts of the country. The committee also reported on the application of the District of Columbia Political Science Association for recognition as a section of the American Political Science Association. Upon motion of Chairman Briggs, seconded by Robert J. Harris, the following resolution was adopted:

"That the American Political Science Association encourage the organization of local and regional groups of political scientists to promote the study and teaching of government, to foster research, and to facilitate the discussion of public affairs.

"That the American Political Science Association coöperate with local and regional societies in the achievement of the above purposes through participation in meetings, suggesting projects, and reporting accomplishments.

"That local or regional associations whose members are also members of the American Political Science Association may upon application be recognized by the Executive Council as sections of the national association, provided that their functions shall conform to the objects of the American Political Science Association and that they take no action in the name of the national association, as a section thereof, except with the express authority of the Association."

Following the adoption of this resolution, the District of Columbia Political Science Association was recognized as a section of the American Political Science Association.

In the absence of Arthur T. Vanderbilt, chairman of the Committee on Judicial Organization and Administration, the report of the committee was presented by President Walter F. Dodd. In appointing the committee, President Dodd had suggested to the chairman that among its early tasks should be to make the American Political Science Association acquainted with the work of the American Bar Association and the National Conference of Judicial Councils and that its second task should be that of organized coöperation with these bodies. In the accomplishment of the first objective, the committee organized a panel session for the annual meeting of the Association on the subject of "The Manpower of the Courts." Distinguished jurists and judicial consultants were obtained as speakers. The second objective is being approached by the committee through a study of the qualifications of the judiciary. This research, if

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completed promptly, will be used in a projected volume, "A Survey of Judicial Administration in the United States," which will be published by the National Conference of Judicial Councils. The report was discussed and commented upon by the Council.

Supplementing this formal report, President Dodd orally informed the Executive Council of another project now being carried out under the chairmanship of Dean Vanderbilt with funds from the National Foundation for Education. This involves the establishment of a Citizenship Clearing House through which young graduates in political science could be aided in finding opportunities in practical politics. Arnold Brecht moved that "the American Political Science Association approves any attempt, competently made, to facilitate the transition from the study of political science to participation in practical politics. It notes with interest the project reported by Dean Vanderbilt and directs the president to appoint a committee to investigate the whole problem, to advise with Dean Vanderbilt, and to report back to the Executive Council." This motion was seconded by J. A. C. Grant and unanimously carried.

Royden Dangerfield presented a comprehensive report on recent developments in the publication program of the Department of State. He commented upon the effect of recent departmental reorganizations upon the publications and discussed in some detail the following series of State Department publications: *Foreign Relations*, *Miller Treaty Series*, *Department of State Bulletin*, other series, significant compilations of World War II documents and German documents. He presented the following resolution for action by the Executive Council:

"That the Secretary be instructed to inform the War and State Departments that the American Political Science Association commends the preparation and publication of the eight volumes on *Nazi Conspiracy and Aggression*, four of which have already been published.

"That the Secretary be instructed to write the Secretary of State requesting that every effort be made to complete the *Miller Treaty Series* with dispatch and to suggest that adequate staff and sufficient funds be sought so that at least one volume may be published each year. (Published volumes cover only the period to 1858.)

"That the Secretary write the Secretary of State expressing the gratification of the American Political Science Association for the undertaking by the Department of State of the compilation and publication of the *German Foreign Office Documents*.

"That the Secretary memorialize the Department of State to publish more promptly the publication of *Papers Relating to Foreign Relations*, now fifteen years in arrears.

"That the Association request the Senate Committee on Foreign Relations to compile and publish a compilation of treaties signed since 1938—such compilation would constitute a fifth volume of *Malloy's Treaties*.

"That the Association request of proper congressional committees that appropriations for the accomplishment of the above purposes be made to the Department of State."

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On motion of Kenneth Colegrove, seconded by Harvey Walker, the resolution was approved and the officers were directed to send copies to the appropriate officials.

Kenneth Colegrove reported on a request which had been made to the Association by the United States Armed Forces Institute for assistance through the appointment of a panel of political scientists to advise USAFI concerning the selection of textbooks. This matter was taken up with the members of the Executive Council by letter, and the appointment of such a panel by the president was approved. President Dodd reported that the appointments had been made, including the officers and the members of the Executive Council of the Association, a total of twenty-two. It is understood that when USAFI has need for advice in this area, a committee of three will be chosen from the panel to give the needed service.

The report of the Committee on American Legislatures was presented by George B. Galloway, chairman. This committee was able to report a most remarkable achievement in the adoption by Congress of the La-Follette-Monroney Bill and its signature by the President of the United States, incorporating many of the recommendations made by the committee in its published report two years ago. He indicated, however, that the Legislative Reorganization Act departed from the recommendations (1) by failing to provide self-government for the District of Columbia, (2) by omitting to establish policy committees in the House of Representatives, (3) by entrusting the oversight function primarily to the Legislative instead of to the Appropriation Committees, and (4) by its silence on the seniority rule. The chairman indicated that it appeared that the leaders of Congress intended to carry out the act in good faith.

With the congressional reorganization largely accomplished, the emphasis in the work of the committee will now be changed to the state legislatures. A subcommittee on State Legislatures was appointed during the year under the chairmanship of Jack F. Isakoff of the Illinois Legislative Council and including Donald Axelrod, Frederic H. Guild, John A. Perkins, Orba F. Traylor, and Belle Zeller. The preliminary report of this subcommittee was presented by Jack F. Isakoff. He reported that the subcommittee was still in the stock-taking stage, but that during the current year work had been done on four items: (1) the nature and extent of legislative reorganizations, (2) the regulation of lobbying, (3) legislative research facilities, and (4) legislative committee systems. Coöperative relationships have been established with the Council of State Governments and with the National Municipal League. The report concluded with a list of twenty-five of the more important issues which had been presented to the committee as deserving immediate attention. The committee's work during the coming year will be devoted largely to stock-taking in selected areas suggested by this list.

The Secretary-Treasurer presented to the Council a proposal by a num-

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ber of members of the Association, also members of the District of Columbia Political Science Association, for the establishment of a Committee on National Political Parties and Elections. This committee would have the objective of studying the organization and operation of national political parties and elections with a view to suggesting changes that might enable the parties and the voters to fulfill their responsibilities more effectively. The proposed field of study included (1) the improvement of party machinery as it affects legislative-executive relationships, (2) the making of political parties more effective instruments for the development of public policy, (3) securing more competent, representative, and responsible personnel in the top political posts of the government and parties, (4) strengthening the control of the electorate over the parties and party machinery, and (5) improving elections and the electorate. A substantial budget to cover the work of the committee was suggested, it being proposed that this be raised by the committee from private sources. On motion of Kenneth Colegrove, seconded by George Galloway, the president was authorized to appoint a committee on Political Parties as suggested in the memorandum to report at the next meeting of the Executive Council.

Pitman B. Potter presented the report of the first year's work of the Committee on International Cultural Relations authorized at the Philadelphia meeting. The first year of the committee's existence has been devoted largely to the establishment of contacts and the definition of the responsibility of the committee with reference to the work of other committees of the Association. The original charter of the committee directed it "to concern itself with the interests of the American Political Science Association with UNESCO, with the United States Department of State on cultural relations, and with relations with political scientists in foreign countries." It was considered that this frame of reference was too narrow to permit the committee to discharge its responsibilities; and on motion of Pitman B. Potter, seconded by Frederic A. Ogg, it was expanded to include "other organizations, national and international, appropriate to the activities of the committee." Louis Brownlow commented on the situation as to representation in the United States delegation to UNESCO. As a result of his suggestions, the Committee on International Cultural Relations was authorized to take whatever action seemed desirable to establish and maintain relations with the National Commission for UNESCO, and with the Economic and Social Council for the United Nations. Further discussion ensued on the problem of the organization of an International Political Science Association. On motion of William Anderson, seconded by Arnold Brecht, the Secretary-Treasurer was authorized to investigate the possibility of the organization of such an association.

Howard White, chairman of the Committee on Social Studies, presented

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the report of that committee, which dealt with three projects: (1) the encouragement of the production of films depicting governmental processes as an aid to more effective teaching, (2) coöperation with the National Council for the Social Studies to secure a survey of social education in the high schools, and (3) the arrangement of joint sessions at the annual meetings of the National Council for the Social Studies and the American Political Science Association. Chairman White indicated that the problems with which his committee was called upon to deal were so intimately connected with the work of the Committee on Undergraduate Instruction that he felt that the two committees should be consolidated.

Francis O. Wilcox, chairman of the Committee on Undergraduate Instruction, presented the report of that committee. As a result of discussions among members of the Association in Washington during the war period, considerable progress was made in the consideration of the problems of undergraduate instruction. A symposium on this subject is now in preparation and will appear in an early number of the AMERICAN POLITICAL SCIENCE REVIEW. Chairman Wilcox agreed with the suggestion of Howard White that the two committees be consolidated; and on motion of Francis O. Wilcox, seconded by Chester C. Maxey, this consolidation was approved by the Council.

A report on the Personnel Service during 1946 was presented by the Assistant Secretary-Treasurer. He indicated that the calendar year 1946 was a very active one, due to the increased enrollments in colleges and universities and in departments of political science. A total of 107 different persons were registered at one time or another during the year, and 65 of these were known to have been placed, either temporarily or permanently, prior to the annual meeting. During the year, 47 vacancies were called to the attention of the Personnel Service, and an effort was made to suggest suitable persons to fill them. The 1947 edition of the Service will appear early in the year and will be distributed to appointing officers in the colleges and universities of the country. He suggested the need for establishing at the annual meeting of the Association a convenient place, served by a representative of the Personnel Service, where those desiring jobs could register and those needing men could consult the register and arrange conferences with those who seemed to have the desired qualifications. (Such arrangements were made at the Cleveland meeting and will be repeated at future meetings.)

The report of the Research Committee was presented by Chairman Ernest Griffith. He reported on the organization and conduct of research panels in the following areas: comparative government, international relations, military government, political communications, political theory, public administration, public law, relationship of government and military affairs, representative government and the legislative process, and state

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and local government. The results of the deliberations of several of the panels already have been published in the AMERICAN POLITICAL SCIENCE REVIEW. Other reports are anticipated soon. Chairman Griffith also reported on the successful negotiation for three awards in the field of political science. Medals will be awarded annually by the Woodrow Wilson Foundation (for the outstanding work on American government and democracy) and by the Willkie Freedom House (for the outstanding work on international relations). Funds are also assured for an award in memory of Franklin D. Roosevelt for an outstanding work on the relation of government and human welfare. Through the Research Committee, an extremely favorable publication arrangement has been worked out experimentally with the Edwards Brothers of Ann Arbor, Michigan, for the publication of monographs by photo-offset. The publication of a guide to research facilities in the Washington area under the auspices of the Division of Government of the Bureau of the Census at the request of the Research Committee will soon occur. The committee has also given attention to the problem of declassification of war material. Information is desired by the committee as to specific material now classified which is needed for use by scholars and research projects.

Among the recommendations for future activity by the committee were (1) that the panel reports should appear in a single volume with a title such as "The Frontiers of Political Science," and (2) that a Committee on Awards should be set up to administer the awards already secured and any others which might be made available. The report was received and placed on file. On motion of William Anderson, seconded by Harvey Walker, the following vote was passed:

"That the APSA accepts with gratitude and appreciation the offer of annual awards by the Woodrow Wilson Foundation, by the Wendell Willkie Freedom House, and in memory of Franklin D. Roosevelt.

"That a special committee be appointed to negotiate with the donors as to details and to make recommendations as to the details and the administration thereof to the Executive Council."

In the absence of W. Reed West, chairman of the Committee on Election Statistics, a mimeographed report of the work of the committee was received and filed. The report announced the publication by the Bureau of the Census of "Votes Cast in the Presidential and Congressional Elections, 1928–1944." Future publications now in preparation include "Elective Offices of State and Local Government" and an elections calendar.

J. Alton Burdine, chairman of the Program Committee for 1946, presented a report for that committee, which was received with warm expressions of appreciation for the excellent program which had been prepared for the 1946 meeting. A similar report was made by Earl L. Shoup,

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chairman of the Committee on Local Arrangements, who was also thanked by the Council for his excellent arrangements. The Council adopted a resolution of appreciation to Western Reserve University and to the Committee on Local Arrangements for their fine services.

The Secretary-Treasurer reported upon invitations for the annual meeting in 1947. After discussion, it was decided by the Council that the Association will meet in Washington, D. C., on December 29, 30, and 31, 1947, with the Statler Hotel as headquarters.

The Council adjourned at 6:15 P.M.

The annual business meeting of the Association was convened at 4:30 P.M. on Saturday, December 28, with President Walter F. Dodd in the chair and 255 members of the Association in attendance. The minutes of the business meeting of 1945 as printed in the REVIEW were unanimously approved. Kenneth Colegrove presented the report of the Secretary-Treasurer on membership and finances. This was followed by the report of the Audit Committee, which was presented by John Day Larkin and approved by unanimous vote of the members present. The Assistant Secretary-Treasurer presented a summary of the acts of the Executive Council at its meeting on December 26. Frederic A. Ogg reported on the AMERICAN POLITICAL SCIENCE REVIEW and Franklin L. Burdette on the *Directory*. William Anderson reported for the Committee on Endowment.

In the absence of Dean Arthur T. Vanderbilt, chairman of the Committee on Judicial Organization and Administration, Francis R. Aumann, a member of the committee, presented the report. Pitman B. Potter reported for the Committee on International Cultural Relations. Harold W. Stoke presented the following resolution, which was approved by the members present and referred to the Executive Council:

"In view of the great importance of knowledge as a basis for progress and mutual understanding, and

"In view of the great and world-wide difficulty of obtaining and disseminating such knowledge,

"The American Political Science Association, in this resolution, wishes to make known its warm support of the proposal on the part of the United Nations or any of its agencies to establish a service of research, publication, and broadcasting, free from restrictions of national censorships and controls, to be devoted to the searching out and dissemination of knowledge relating to the governments, institutions, ways and conditions of life throughout the world, this knowledge to be made accessible to scholars and publicists without restriction."

George B. Galloway presented a report for the Committee on American Legislatures, in which he indicated that according to estimates by the committee the Legislative Reorganization Act recently adopted by the Congress of the United States embodies 75 per cent of the original recommendations of the political scientists, 50 per cent of the proposals of the

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efficiency engineers, and 80 per cent of the suggestions of the La Follette-Monroney Committee.

Ernest Griffith presented a report for the Committee on Research and Royden Dangerfield for the Committee on Publications of the Department of State. The resolution already approved by the Executive Council concerning the publication program of the Department of State was submitted to and approved by the members present at the business meeting.

Dr. William P. Maddox, Chief of Training Services of the Department of State, explained the recruitment program of that department as revised under recent congressional legislation. Harvey Walker presented a report on the Personnel Service.

The following resolution of thanks was presented by the Assistant Secretary-Treasurer and unanimously adopted:

"Resolved that the American Political Science Association expresses its sincere appreciation to Western Reserve University and to the Committee on Local Arrangements for the courtesies which have been extended during the course of this meeting. It desires especially to acknowledge its indebtedness for the capable and tireless service of Professor Earl L. Shoup, chairman of the Committee on Local Arrangements, and to Mr. Raymond A. Bruner of Western Reserve University, who handled the local publicity, making numerous abstracts and press releases which have resulted in such favorable and full reports concerning this meeting as have appeared in the local press and elsewhere through the several wire services."

The following resolution from the research panel on Representative Government was presented to the business meeting and by it referred to the Executive Council:

"The American Political Science Association, at its meeting in Cleveland, Ohio, on December 26, 1946, commends the Congress for the substantial progress which it already has made toward its own reorganization. We regard it as a long step forward in the perfection of a real and responsible representative democracy in the United States. We urge Congress to continue its study of and action upon this problem as its experience may warrant."

George B. Noble proposed the creation of a Committee on the Federal Constitution. He indicated that he felt that the time had come for a reappraisal of the adequacy of our federal constitutional document. He stated that recently the President of the United States himself had made certain proposals regarding presidential succession. Senator Fulbright and others had made proposals to clarify and improve lines of responsibility. The round table on "The Need for Constitutional Reform" had brought out problems of such importance and urgency in this field as to justify the immediate appointment of such a committee. After discussion, this suggestion was approved by the business meeting and referred to the Council.

The following resolution was submitted by Roy Veatch and referred to the Executive Council:

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"It is moved that this meeting submit to the Executive Council its recommendation that a committee of the Association be created on World Peace and Security."

The chairman of the Committee on Nominations, Denna F. Fleming, presented the report of that committee. On motion of Clarence A. Berdahl, seconded by John A. Briggs, the persons nominated for officers and members of the Executive Council, as indicated above in the report of the Executive Council, were unanimously elected.

The business meeting was adjourned at 6:20 P.M.

HARVEY WALKER, *Assistant Secretary-Treasurer.*
Ohio State University.

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BOOK REVIEWS AND NOTICES

Brandeis; A Free Man's Life. By Alpheus T. Mason. (New York: The Viking Press. 1946. Pp. xiii, 713. $5.00.)

It is a well-known fact that the work of the Supreme Court of the United States which has made this Court one of the foremost and most influential judicial tribunals was due to a relatively small number of the Justices who have been appointed to serve on this Bench. Albert J. Beveridge's *The Life of John Marshall* and Carl B. Swisher's biographies of Roger B. Taney and Stephen J. Field deal not only with the lives of these few outstanding Justices, but give also an account of the effects of the work of the Court during the nineteenth century upon the political and economic as well as the legal affairs of the nation.

From 1900 to date, the Court has had among its members more than the usual number of those who will in all probability take high rank in the annals of American judicial history. Few would deny that in this group should be included Justice Louis D. Brandeis, who served on the Court from 1916 to 1939. Professor Mason, with an excellent background and perspective for the period, has published the authorized biography of Brandeis and has given an interesting account of his career as a lawyer, counsellor, and public servant, from the time he began the practice of law in Boston until he had gained a national reputation and was nominated by President Wilson for the position of Supreme Court Justice.

The author gives a satisfactory and well-authenticated portrayal of the very active and versatile career of Brandeis, as practitioner, consultant, and adviser to a variety of public and private interests, and as the People's Attorney, serving frequently without pay the causes which he deemed to inure to the public welfare. As a reformer and in the aid of public service enterprises, Brandeis engaged in an amazing number of activities, making many friends, and also enemies who joined vigorously in opposing the approval of his nomination as Justice by the Senate. Fortunately, this opposition did not prevent his appointment to the Court.

In his treatment of the extensive scope of interests and activities of so versatile and at times dramatic a character as Brandeis, the author passes over too briefly and inadequately the twenty-three years of service as a Supreme Court Justice. A few more than a hundred in a book of seven hundred pages are devoted to this period of the life of Brandeis. It is to be expected, therefore, that some of the significant contributions of the Justice to our constitutional jurisprudence would receive scant or no consideration. More new and significant than has been made clear were Brandeis's views expressed in a number of majority and dissenting opinions; namely, not only that the judges should aid in changing the law to accord with existing requirements and needs, but also that *stare decisis*, although

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ordinarily a wise rule in other fields of the law, should not rigorously be applied in the interpretation of our written and for most purposes rigid constitution. Among his many opinions supporting this view, one of the most important, Erie Railroad Company v. Tompkins',[1] overruling a decision of Justice Story relating to the application of general rules of law in federal courts made ninety-six years earlier, in which he effectively and with marked consequences for the future relations of federal and state law applied his well-formulated doctrine of *stare decisis*, receives only passing mention.

Another instance wherein the contributions of Justice Brandeis are not given due significance and perspective is the treatment of the decisions and findings of administrative tribunals. Joining the Supreme Court at the time when it still seemed to be the accepted policy of the Court, with only a few exceptions, to review the findings of fact as well as the law in the process of reviewing administrative determinations, Justice Brandeis at once made it clear that when legislative acts placed the duty and responsibility for the finding of facts upon administrative officers and commissions, such findings of fact, if duly supported by evidence, should be regarded by the courts as final. This principle he applied in numerous opinions, speaking for the Court, and a few years before his retirement from the Bench, in a concurring opinion in St. Joseph Stock Yards v. United States,[2] he gave a masterful analysis of what he regarded as sound procedure in the Court's review of administrative determinations. The present tendency of legislators and judges to ignore or depreciate this principle in the review of administrative determinations, to the detriment of the development of effective administrative procedure and action, makes the views of Brandeis more significant than when his opinions were delivered.

It is to be regretted that in such a thorough and significant analysis of the life and work of Brandeis the author failed to take advantage of the opportunity to deal more fully with his great contributions to constitutional law and with his constructive participation in the evolution of judicial doctrines.

CHARLES GROVE HAINES.

University of California (Los Angeles).

The Roosevelt I Knew. By FRANCES PERKINS. (New York: The Viking Press. 1946. Pp. 408. $3.75.)

This book is primarily a portrait of Roosevelt the man. It is not a biography, but rather an analysis of the mental, spiritual, and political

[1] 304 U.S. 64 (1938).
[2] 290 U.S. 38 (1936).

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growth of one who "was not born great, but became great." The author states that she is "biased in his favor" and "bound to him by ties of affection, common purpose, and joint undertakings." However, the volume is far from uncritical. Miss Perkins recognizes the criticism directed at Roosevelt and evaluates it only where she has first-hand knowledge. Thus there is no elaborate discussion of the "purge" in 1938 or of the "court-packing" plan, although she has reason to believe that Roosevelt later regretted his Supreme Court reform program. She cites this latter incident as an exception to the Roosevelt policy of not getting oneself tied tight to a program from which there is no turning back.

The author's chapters on different parts of the New Deal such as relief, labor and the NRA codes, wages and hours, public works, and social security are contributions by a keen observer who played a direct and important rôle in the development of these programs. Her discussion is revealing and penetrating as she identifies persons, including herself, in and out of the cabinet who advanced different points of view—frankly giving or withholding credit as the case be. She probably takes the greatest pride in describing the steps that led to the passage of legislation for unemployment and old age insurance, and she concludes that Roosevelt "regarded the Social Security Act as the cornerstone of his administration, and, I think, took greater satisfaction from it than from anything else he achieved on the domestic front."

Miss Perkins admits that Roosevelt's technique of administration would drive professors of political science "almost mad." She reveals that duplication of federal administrative agencies did not disturb him. As governor of New York, he had been in the habit of securing coöperation that cut across department lines. He expected his entire administration to work as a team. To Roosevelt, government in a representative democracy had to be adapted to human feelings. As an example, the author points to the administrative set-up of the Civilian Conservation Corps in which Roosevelt "could accommodate the objections of labor, liberals, and those suspicious of the military without any conflict within himself on grounds of efficiency or logic." Furthermore, during the war years with their new and complex problems, Roosevelt saw real value in establishing new agencies, "rather than saddle it on an old institution . . . . If it is not permanent, we don't get bad precedents that will carry over into the days of peace . . . . There is something to be said, too, for having a little conflict between agencies. A little rivalry is stimulating, you know."

The volume is packed with amusing and serious anecdotes. A delightful picture is painted of the Roosevelt family, with Eleanor Roosevelt emerging as a remarkably gifted woman who was doing the President's bidding when she moved about the world serving as his "eyes and ears." Miss Perkins presents fresh material on the political and personal break with

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Alfred E. Smith, which she considered "one of the political tragedies of the times." There are intimate vignettes of personalities who moved across the political horizon—particularly Hugh Johnson, John L. Lewis, Harold Ickes, Lewis Douglas, and Charles Murphy of Tammany Hall.

Although the book is loosely organized, it is without doubt the best work on Roosevelt that has appeared to date and will serve as an important source when his definitive biography is written. It is believed that Miss Perkins kept no diary; but there is ample evidence that she must have kept memoranda on important and interesting incidents as they occurred—although she does not specify her source material. The reviewer believes that Miss Perkins can make an even greater contribution to the understanding of the times and of Roosevelt's impact upon our national life by writing more fully at some future day on those domestic issues in which she was an active participant and observer.

BELLE ZELLER.

Brooklyn College.

The President, Congress, and Legislation. By LAWRENCE H. CHAMBERLAIN. (New York: Columbia University Press. 1946. Pp. 478. $5.00.)

This provocatively titled book is an illuminating analysis of the American legislative process. The author has examined ninety major laws of the past half-century, "with a view to discovering the relative contribution that has been made by the President and by the Congress in their formulation." He has gone not only to public documents but to newspapers, including trade journals, bibliographical and memoir material, and scholarly analyses of technical subjects such as railroad regulation, fiscal policy, and agricultural economics. The ninety laws are presented in highly readable case studies, organized in ten chapters covering agriculture, banking and currency, business, government credit, immigration, labor, national defense, natural resources, railroads, and tariff.

The book is especially valuable for realistic description of the "mosaic of relationships" which involve in the legislative process not only the President and Congress, but administrative officials and representatives of private pressure groups. Bills are distinguished as presidential in origin "because, first, they mark major changes in governmental policy and, second, they have received the personal endorsement and active support of the President." By active support, the author means "one or more of the following: a special message to Congress; public announcement of his desire to have the bill passed; a White House conference with those who are handling the bill in Congress; a radio appeal to the country; behind the scenes activity by the President's contact agents."

Mr. Chamberlain finds the influence of Congress in our admittedly

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heterogeneous legislative process much greater than has been supposed. He assigns only twenty per cent of the ninety laws studied to the influence of the executive, forty per cent to Congress, thirty per cent to a joint category in which presidential and congressional influence were equally important, and ten per cent to private interests. A tabulation identifies each of the laws in the assigned categories. Presidential influence seems to have been especially strong in national defense, somewhat less so in business regulation, and weakest in agriculture, natural resources, and railroad regulation. Congressional leadership has been paramount in banking and currency legislation, immigration, and labor legislation. Pressure groups have dominated tariff legislation.

Much of this material is challenging to widely held popular views. For example, of nine major labor laws, only one is credited to presidential leadership. Moreover, some laws commonly thought of as Administration measures are described by the author as joint products in which Congressional influence was dominant at all points down to final passage. The National Labor Relations Act of 1935 was "adopted" as an Administration measure, in "an atmosphere of rumor and indecision," only after the Wagner bill had made its own way for over a year and seemed likely to pass without presidential support in a form not wholly acceptable to Roosevelt. Mr. Chamberlain offers no evidence that Roosevelt backed the bill to gain Wagner's support on other measures, and it seems likely that the invalidation of the NIRA was a controlling factor in this situation. The President's hand was similarly forced in the Glass-Steagall Act of 1933, which Roosevelt did not resist outright but dodged effectively until a one-week extension of the special session gave congressional supporters of the bill a chance to push it through. Roosevelt then signed it "with the comment that it was the best legislation of its kind since the adoption of the Federal Reserve Act."

Although Mr. Chamberlain discusses merits and deficiencies of various acts, being primarily concerned with process and mechanism, he does not ask the general question, "Was this field covered by legislation as fully, promptly, and rationally as it might have been?" He does not deal explicitly with charges of incoherency and irresponsibility made by some students against the American system. Obviously aware that his excellent documentation at some points supports the impression that leadership in our legislative process has in the past been fortuitous, nevertheless he believes that there can be effective leadership in initiating legislation apart from the executive. Mr. Chamberlain speaks so persuasively of congressional leadership as a reality that the reader will wish that he had described it as fully as he describes the sources and techniques of presidential influence. He is impressed with the "depth of the legislative roots of most important statutes," and asserts that Congress effectively

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serves "as a center for the origination and maturing of innovative legislation."

Mr. Chamberlain avoids collision with the argument that our legislative process should be modified on parliamentary lines. Effectively shifting the ground, he asserts that the individualistic and atomized nature of the congressional approach supplies values essential to the American brand of free institutions. To this reviewer, the implication seems to be that, lacking "responsibility" in the technical sense, we nevertheless have a sensitiveness to electoral opinion and a willingness to compromise which may be fully as significant for representative government, especially in governing a country on a continental scale. In contrast to the view that a legislative body operates most effectively when it leaves to the executive the initiation of legislative proposals, Mr. Chamberlain concludes that in the American legislative process, "The long germinative period detectable in the genesis of most laws . . . constitutes one of the most valuable contributions that a legislative body can make. No other agency in a democracy is so well equipped by composition and organization to discharge this function."

MARY T. REYNOLDS.

Hunter College.

America's Rôle in World Affairs. By EMIL LENGYEL. (New York: Harper and Brothers. 1946. Pp. xii, 316.)

This well written volume is a textbook for high school classes. It is intended to explain to young people what our rôle in world affairs has been and to point toward constructive activity in the future.

The need for books of this kind should be self-evident. Two great world wars have engulfed our energies within the past thirty years, in spite of our best efforts to have them leave us alone. Now our margins of safety are about used up. Drifting toward and into one more war in the atomic age is a hazard we cannot afford.

Lengyel has made an intelligent attempt to prevent young Americans from being caught napping again. He maintains that we have had clear-cut policies toward Latin America and the Far East (both of which are explained), but we have been mixed and muddled about our relation to Europe. This difficulty stems, he thinks, from our misinterpretation of the utterances of Washington and Jefferson about alliances—temporary and permanent.

The author is deeply impressed with the tragedy of our lost opportunity after the first World War. He is inclined to believe (mistakenly I think) that it might have been avoided if Wilson had asked his enemies in the Senate "to share his triumph on his trip to Europe." But he rightly de-

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scribes the divergent and self-destructive policies, or lack of policies, which filled the drifting years between two world wars.

He explains fully, as anyone addressing our youth on the subject is duty bound to do, how truly global the plans of the Nazis were and how deadly for our future. He shows especially why South America was such an essential goal of German schemes. Isolationist revisionists are already trying to rewrite the history of our entry into World War II, hoping for the same success that they had in explaining away our entry into the first World War. But it would be fatal to our future to let them succeed again.

Japan's rise in the Far East, and our strange persistence in munitioning her, are adequately presented, and Russia's new rôle is fairly considered.

The last two chapters tell the story of the wartime conferences of Allied leaders and give an historical account of all previous attempts at international organization. Students who have read this book will not expect miracles of the United Nations, and they will be much better prepared than their fathers to support it for the long pull.

DENNA F. FLEMING.

Vanderbilt University.

Cities Are Abnormal. EDITED BY ELMER T. PETERSON. (Norman, Okla.: University of Oklahoma Press. 1946. Pp. xvi, 263. $3.00.)

Mr. Elmer T. Peterson, formerly editor of *Better Homes and Gardens*, has been aware of the problems presented by cities for some years and in 1942 published a book, *Forward to the Land.* Now he has mustered an author of best sellers, an allergy specialist, an editor of *Fortune*, a professor of architecture, a retired industrialist, a political scientist, a social worker, a botanist, a religious editor, a population expert, and a federal civil servant to join him in exposing the shortcomings of the urban way of life in the United States.

The resulting book is aimed primarily at the general reader, or at least that section of the American reading public which gives its attention to current problems of a serious character. This, together with comparative brevity, leads to a somewhat cursory examination of the many ramifications of the problem rather than a detailed analysis such as the social scientist might like. Some of the chapters, such as the ones by Warren S. Thompson and J. J. Rhyne dealing with population problems and the social aspects of urbanization, do present a substantial amount of basic statistical material; but the common approach is argumentative rather than dispassionate.

Louis Bromfield may be satisfied with sweeping statements that large cities in the United States have contributed little or nothing of "real and permanent" value, and that they have led to general insecurity since the Civil War; but some readers at least would like more evidence. The re-

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viewer finishes a number of the chapters with the conclusion that the authors have gone so far in a scathing one-sided denunciation that they have actually weakened their own case. There may be a basis for much of what Dr. Forman, the allergy specialist, writes—doubtless after seeing hundreds of these sufferers one would have a low concept of city life. But the very savageness of his attack detracts from its effectiveness. Again and again he falls back on the argument that rural life is "normal" because man has spent the greater part of his existence on this earth outside of cities. The fact that the modern farmer, with his mechanical equipment, automobile, radio, consolidated schools, hard-surfaced roads, and processed foods, is actually more similar in manner of living to the urban dweller than to the cave-dweller and tribesman apparently never occurs to him. He is vitriolic in his criticism of cities on the score of inadequate light; yet he becomes almost lyrical in praising rural life at its best in "the shaded house set in a shady lawn."

The editor stresses the fact that it is not the intention of this book to present blue prints. This might be taken to mean that the book is entirely negative in character, considering the lack of attention given to cultural and other contributions of cities. However, the contributors do not always adhere to the editorial dictum. In the chapter entitled "The Atomic Threat," Dr. Warren S. Thompson presents a positive approach which is both refreshing and illuminating. Professor H. C. Nixon escapes the Jeremiah category by emphasizing the importance of the county as a basic unit of local government. It is doubtful whether the authors could themselves agree on a course of action, but several believe that large numbers of industrial workers should be settled on small garden plots outside the limits of central cities.

No serious person will question the major importance of urban problems in the United States, especially with the development of the atom bomb. Books of the type reviewed may not contribute a great deal that is new, but they serve a useful purpose in focusing general attention on a field that should be constantly to the fore in our thinking.

HAROLD ZINK.

DePauw University.

Medical Services by Government—Local, State, and Federal. By BERNARD J. STERN. (New York: The Commonwealth Fund. 1946. Pp. 200. $1.50.)

Dr. Stern presents an interesting analysis of medical services at the various governmental levels in the United States, covering the wide chronological range from the time of the colonial almshouses with their unsegregated inmates to the modern scientifically-equipped, government-supported hospitals of today. This study is a lucid and interesting pres-

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entation of valuable data concerning the evolution of present public medical-welfare services. The reader is impressed by the fact that many states today still lack adequate hospital facilities, and this is particularly true in rural areas. There is a great variation in the type of medical services offered to the indigent in the several states. One of the most difficult problems in this connection relates to the remuneration of physicians attending the indigent sick, particularly as concerning home-care; there is, in fact, no uniformity in the manner in which governments at the local levels have attempted to solve this very important problem. There is, however, a promise for the future in the findings presented by Dr. Stern in this research project. The work itself represents a coöperative effort between the medical profession (the American Medical Association) and governmental agencies to attain a more effective and widespread type of hospitalization and other medical services, not only for the indigent, but also for others of moderate means to whom medical expenses are often prohibitive.

Although this study is of primary importance to sociologists and other experts in social welfare, it has a decided interest for the political scientist as well. The statistical compilation of data concerning the number and kinds of hospitals supported by federal, state, and local funds is illuminating. The study is replete with charts and tables on every conceivable phase of medical-welfare activity, including the cost of hospitalization and of treatment per patient in the various types of hospitals throughout the United States, at all governmental levels. All available data have been placed at the disposal of the author, and the bibliography at the end of each chapter directs the reader to further sources of information. Interesting, too, is the evidence of increased coöperation between the medical profession and governmental agencies and their sense of joint responsibility in offering to the person of moderate income the best in medical advice and treatment. The outstanding developments, as pointed out by the author, include subsidized research activities in the fields of tuberculosis, mental disorders, cancer, and poliomyelitis, the wider development of clinical facilities, increased resources in the field of preventive medicine at the federal, state, and local levels, and a closer coöperation between federal and state governments in connection with this phase of social security. The reader of this study is left with a sense of amazement and gratification at the vast sums of money allotted by our governments, not only for the treatment and cure of many diseases, but also for research into the causes of some of the greatest scourges that have afflicted mankind.

ELIZABETH A. WEBER.

Hunter College.

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James Monroe. By W. P. Cresson. (Chapel Hill: University of North Carolina Press. 1946. Pp. xiv, 577. $5.00.)

Dr. William Penn Cresson did not live to see completed the significant biography which now appears under his authorship. After his death in 1932, work on the volume was carried forward by Scott Hurtt Paradise and, in the final stages, by the editorial staff of the publishers. An Introduction by M. A. de Wolfe Howe gives a biographical sketch of the author. The latest findings on the genealogy of Monroe are reported in an appendix. Twenty-three well-chosen illustrations serve usefully to personalize the historical Monroe. Thirty-eight pages of notes and ten pages of bibliography, including an impressive list of collections of manuscripts, furnish convincing evidence of the very extensive, possibly exhaustive, use of the pertinent source materials.

The volume is a faithful chronicle of the numerous public services and missions in which this patriotic American spent more than fifty years of his life. It is largely a factual and narrative biography rather than one of analysis, interpretation, and objective evaluation. Especially for this reason, it can hardly be thought of as definitive, although certainly the most valuable and complete life of Monroe thus far published. The text is liberally infiltrated with quotations from the sources.

The author has been almost meticulous in his abstention from giving any opinion, estimate, or rating of Monroe. Only rarely appears even an incidental reference to or opinion on his dimensions. His "capacity for good sense and hard work" is mentioned on p. 110. The last chapter is entitled "Last Years of a Great American." It is stated on p. 275 that in the War of 1812 "Monroe met the crisis with typical courage and sacrifice of self." And on p. 469 appears the generalization that "an administration of eight years, one of the most dignified and successful in history, stood behind Monroe."

A further chance evaluation is made on pp. 219 and 220. "And around this question of a special mission was to be fought the first battle within the Republican party in the private war over what began with a disagreement on foreign policy and ended in an undignified tussle over the succession to the presidency. In this struggle Monroe was suddenly to find himself the key figure, playing a rôle that put to the most severe test those qualities of his character—more ruggedly honest than impressively brilliant—that won for him his place in the history of his country. From that fiery crucible he was to emerge with a prestige that made him the central figure in the golden age of his party—the Era of Good Feeling." But he was also on occasion a central figure in the mutual suspicions, wrangles, and bickerings so prevalent in his time, reaching sometimes even into his own cabinet and into Congress.

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This new biography substantiates rather than modifies the position traditionally assigned to Monroe. It does not add perceptibly to the little already known about the pre-Revolutionary years. The striking lack of intimate personal details of his adult relationships, both public and private, and of his philosophy and theories, continues as before. Apparently Monroe was not the manner of boy, youth, or man to leave imprints of this nature on the contemporary records.

The author indulges in no speculation; but readers (who ought to be many) can find here a stimulating and challenging assignment by using these copious materials as a basis for determining whither and how far Monroe would have gone had he travelled entirely on his own power and without the charts, predetermined courses, and guidance supplied by his distinguished predecessors and contemporaries.

ARNOLD J. LIEN.

Washington University.

Leviathan in Crisis; An International Symposium on the State, Its Past, Present, and Future, by Fifty-four Twentieth Century Writers. COMPILED AND EDITED BY WALDO R. BROWNE. (New York: The Viking Press. 1946. Pp. xvi, 430. $3.75.)

In the prolonged crisis of the state through which we are living, it is appropriate that we should have an interim report, just as there are "recaps" during the reporting of election returns. Such is the purpose of this volume, whose moral is that "the still rampant Leviathan of the sovereign State must somehow be curbed and humanized and brought within the rule of law, under control of its master and creator, Man. It must renounce what have hitherto been its chief preoccupations, the promotion of class interests and the organization of national egotism, devoting itself instead to the promotion of common interests and the organization of world-wide altruism" (p. xiv). Although one may have read most of the books from which the selections of this volume are taken, there is a sharp impact when they are brought together as they are; for the common theme, if any may be stated, is that the modern state is not a very good or trustworthy institution. If these writers may be taken as representative of our time—and in certain respects they may—the modern intellectual distrusts the state, he demands the destruction of its sovereignty, and he is skeptical of the social purpose it expresses.

Many of the selections in this volume were written in the period of World War I, and others were written during the more hopeful moments of the long armistice between the wars. There is, therefore, a powerful suggestion of the continuity of problems and issues that changed only by intensity as the crisis that produced World War II emerged. Much the same might be said of the issues that face us in these early days of another

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postwar era, the question of international control, and the benumbing problem of the atom bomb. Indeed, it seems to the reviewer that the force of the book is enhanced by the fact that so many of the selections in the symposium were composed nearly a quarter of a century ago.

Yet, however provocative Mr. Browne's selections may be, they are not organized in such a way as to be useful for the teacher of political theory. No doubt the editor was aiming at the general reader more than the teacher and the student, but a properly organized symposium on the modern state crisis should be a highly useful book. There are many shadings in the denunciation of the sovereignty of the nation-state, and there are many different schools of thought in modern political theory, even though they do have much in common in their attitude toward sovereignty. Might it not have been possible to get the internationalists together in one group, while pluralists, Marxians, theologians, psychologists, philosophers, and others could each have been given their niche? Thus the differences of point of view and social interpretation that tend to be lost in these fifty-four selections could have been preserved, and a much more valuable book might have been produced. Lenin nestles between Professor MacIver and Ortega y Gasset, and other Marxists turn up here and there, just as pluralists are scattered in different parts of the volume. On the other hand, this is a sobering work to read just after we have emerged from a war in which even the democracies were forced to put the state on a pedestal again, if only for a moment.

FRANCIS G. WILSON.

University of Illinois.

Americans in Persia. BY ARTHUR C. MILLSPAUGH. (Washington, D. C.: The Brookings Institution. 1946. Pp. ix, 293. $3.00.)

Arthur C. Millspaugh has directed the work of two American financial missions in Iran, one from 1922 to 1927 and another from 1943 to 1945. The author writes in this book chiefly about the latter one. He also surveys Iran's broader political and economic problems and devotes many pages to the question of Big Three tensions that exist in that country. It is not surprising that any book on Iran should deal at length with the international rivalries centering on the plateau lying between the Caspian Sea and the Persian Gulf. It is the area which has divided Russia and the British Empire. Today its oil resources and usefulness as a crossroad for aviation traffic make it again a strategic prize. Iran has long been subject to side intervention, and Millspaugh shows that the ancient land of Persia still cannot solve its troubles alone and that it needs outside aid, which inevitably will be forthcoming—either in the form of coöperative foreign assistance or through unilateral interference from abroad.

The revealing evidence which this book presents clearly demonstrates

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that joint international action relating to Iran will be extremely difficult to achieve. Perhaps it will be impossible at this late date to find a basis on which Iran and the Big Three can build a mutual program. Millspaugh not only points out in the sharpest way that the American State Department failed at the crucial hour to support the financial mission which he headed during the war, but believes that our recent diplomacy has been hopelessly inadequate on other occasions in Iran. After Pearl Harbor, we followed a policy of appeasement toward Russia in this region and lost the opportunity which existed during the war years to establish a foundation for Four-Power reconstruction in Iran.

Writing after the Iranian "case" was heard before the United Nations Security Council, Millspaugh argues that there is yet time to inaugurate coöperative action to solve Iran's problem. He urges that foreign control and tutelage be put on a rational basis. To do this, he believes three requirements must be met. First, a long-term reconstruction program is needed; twenty-five or fifty years may be necessary for carrying out the projects he proposes. Second, any broad-scale undertaking should be based on authority derived from a Four-Power treaty. Only thus can adequate strength, continuity, and prestige be given to the work contemplated. Third, the most comprehensive kind of proposals must be outlined and developed. Moreover, America must take the initiative in pressing for action in Iran, in keeping with the high aims of our foreign policy. Millspaugh recognizes that Russia may not wish to enter into such a program. Indeed he is convinced that up to the present Moscow has taken advantage of the lack of any constructive policy on our part. If the Soviet Union refuses to enter into a mutual program, then he admits we must decide whether Iran is to fall within the Soviet orbit, the Anglo-American sphere of influence, or be divided between the two.

Millspaugh has learned from his own attempts to erect a sound financial structure in Iran that many aspects of Iranian life must be changed. The detailed suggestions for improvements which make up his comprehensive program spring from an acute analysis of conditions on the spot. Raising public morality and ridding the government of corruption are perhaps the foremost changes which he believes must be brought about. Persians themselves must radically alter their educational system. Proper personnel policies in government agencies, supervision of elections, and adherence to democratic processes will also be necessary. Agriculture should be revitalized, in his view; and the promotion of irrigation and reforestation rank high among his plans. Millspaugh does not consider Iran suited for extensive industrialization and suggests that those industries now controlled by the state should be returned to private owners. He recognizes that the oil problem underlies much of Iran's present trouble. If foreign rivalries about Iran's petroleum reserves can be settled in no

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other way, he would favor their exploitation by international operating companies. He believes that Iran's share in oil royalties should be greater than those now received—in which event little if any outside capital, in his opinion, would be needed to finance Iran's reconstruction.

GRANT S. MCCLELLAN.

Foreign Policy Association.

World Monopoly and Peace. By JAMES S. ALLEN. (New York: International Publishers. 1946. Pp. 288. $3.00.)

" . . . even during the war American cartelists helped the Axis powers." "The liberal flavoring of the [American] program [free enterprise, free competition, free access, and free trade] tends to obscure its essence. Undoubtedly many opponents of monopoly and advocates of international coöperation fail to recognize the expansionist content of the program." "The Soviet Union is the only world power which is neither aggressive nor potentially aggressive." "The destructive power stored away in the atom-bombs of the United States is no match for the forward movement of Nations to socialism, which is the future of America as it is of the world." (Chapter X, "The Soviet Union," discusses the transition from socialism to communism.)

Though separated from contexts, these statements, in this reviewer's opinion, represent accurately the tone, approach, and content of this appropriate addition to International Publishers' list of titles in Marxian and leftwing-Communist economics and politics. Many other remarks and phrases will as readily indicate the character of the book and the predilections of the author. "Monolithic unity of the Soviet system" is a badge of identification. And the statement: "Soviet society consists of only two basic classes, the working class and the collective farmers, in non-antagonistic and friendly relation to each other." For that matter, Mr. Allen indicates his position frankly and clearly; and he organizes capably the carefully-chosen material.

The special concern of the study is monopoly capitalism and imperalism, and their past and probable consequences for peace and for national policies. Chapters on monopolies or cartels and their influence in Germany, Japan, the United States, and Britain, with details of the struggles among them for world economic domination, are followed by a favorable interpretation of the Soviet economy and its rôle in world affairs. Numerous facts and incidents, some of them pertinent and many of them interesting in themselves, are brought together with the adroit technique so well developed by this school of writers. But the broad implications and indicated conclusions from this "wealth of documentation" will not appear unprejudiced to the reader unless he, to begin with, accepts what appears to me to be the "party-line" attitude toward the subject—or

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object—of the book. There is nowhere an indication either of the democratic structure or the democratic results of many corporate or other capital organizations which might be classified as monopolistic or even "large."

Final chapters are titled "State Capitalism, Fascism, and Democracy" and "The World Crisis." They attempt an over-all picture of economic drives in the present world and indicate the variations from place to place in "state intervention" or "government control." The conclusion is that the great crisis of world relations and the danger to peace are brought on by the demands of monopoly capitalism for survival and by the innumerable inner conflicts of the type of economic society which it represents. Only a transmutation of capitalism into a socialist form of society will resolve this crisis and danger and attain ideal social goals. But, of course, this human parallel to the transmutation of metals by fission of the atom is "inevitable."

J. WILLIAM ROBINSON.

Purdue University.

Labor Problems. W. V. OWEN. (New York: The Ronald Press, Inc. 1946. Pp. vi, 570. $4.50.)

This latest textbook in the field of labor problems is distinctive primarily because it presents a new plan of organization for such texts—one which will probably be widely duplicated. It gives unity to the wide variety of material on wages, population, child labor, industrial accidents, women in industry, arbitration, etc., that has made of most labor-problems texts jungles of unassorted facts. Professor Owen believes that since most labor problems are fundamentally economic in nature, the subject of wages provides the core for a strict treatment of the affairs of labor. The framework of organization for the book thus becomes a systematic study of the labor market wherein labor is exchanged for wages.

Part I deals with the rôle of labor in the economic system and the distinguishing characteristics of the labor market as contrasted with other markets. After this introduction, Part II analyzes the operation of the labor market in terms of the demand and supply factors determining wages, hours, and working conditions. Part III, on "Control of the Labor Market," is composed of a series of well organized chapters on the organization and policies of the two groups, employers and trade unions, that attempt to determine the verdict of the market. This material is followed by two chapters on the laws of industrial relations, the legal framework in which the two parties operate. The last chapter presents a backward glance at the highly centralized labor market of the war years and discusses the values of a free labor market. The final section of the book, Part IV, is concerned with the problem of "Security in the Labor Mar-

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ket." Here are discussed the problems of the maintenance of industrial peace, social security, and unemployment.

In all, Professor Owen has fitted most of the conventional material of labor-problems texts into a meaningful framework. With less marked success, he has also attempted the difficult task of making his treatment analytical rather than descriptive. The first two sections succeed in this announced objective, but they do not attain the level of economic analysis that an explanation of the structure and functioning of labor markets would seem to require. In the last sections on control and security in the labor market, much unintegrated minor factual material appears with little attempt at analysis.

The question of what should be included in a labor-problems text has always presented difficult questions of evaluation. Professor Owen's work, along with R. A. Lester's *Economics of Labor*, appears to indicate a trend toward the limitation of material to that which has immediate relevance to economics. Thus the psychological and sociological aspects of labor problems lapse into the background and only the legal structure within which the labor market operates still receives detailed attention. It is to be hoped that such limitation of the scope of textbooks will in use be compensated by coördination with the course offerings of other social science departments and by coöperative effort in labor research between economists, psychologists, sociologists, and political scientists.

A. MORGNER.

Northwestern University.

The International Labour Movement. By JOHN PRICE. (New York: Oxford University Press. 1945. Pp. viii, 273. $4.50.)

Coming at a time when international organizations are being re-knit and built anew, this study is most opportune. It is written by an Englishman who has had first-hand experience with British labor and with the International Labor Office, where he was employed at the time of publication.

Mr. Price begins with a brief review of the evolution of the international labor movement from the founding of the First International in 1864 to 1939. Then follow chapters dealing with structure, work in both the political field and the economic, problems of organization, and finally methods and functions. His underlying purpose "is to throw light on the position of the international labor movement by bringing together some of the essential facts and examining some of the most important problems."

The author sees in the labor movement an important instrument for undergirding a general international body like the United Nations. He emphasizes, however, that before its great potentialities can be more fully utilized than in the past, trade union bodies, socialist and labor parties,

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must devise methods of constituting world institutions that are more adept at formulating policy and executing decisions. The problem, Mr. Price believes, is not so much the creation of new organizations, nor the combining of existing bodies, nor the division of labor between those now in existence. Rather, he believes, there already exists a broad general division of labor between international bodies primarily concerned with political matters, such as the Labor and Socialist International and the International Socialist Youth, and bodies chiefly concerned with industrial affairs, like the International Federation of Trade Unions and the International Trade Secretariats. Instead, "the problem, in the main, is one of coördination."

A still more basic problem is that of welding loosely connected, autonomy-minded, national unions and parties together in workable bodies. While Mr. Price makes valuable suggestions for improvement, he believes that past experience demonstrates that trade unions will contest for autonomy with the same fierceness that national states insist upon sovereignty. "It is unlikely," he says, "that the trade unions and Socialist parties will willingly agree to abandon any substantial part of their autonomy and to place themselves under the orders of international organizations." The author hopes, nevertheless, that the imperative need for world peace and order, coupled with greater educational efforts, will incline trade unions to more international collaboration and voluntary implementation of decisions made by international bodies. He is even hopeful that Russia's labor bodies can be led to coöperate.

This book makes an important contribution in bringing into focus problems inherent in creating workable international organizations among functional bodies. Mr. Price writes easily and clearly; he displays familiarity with the organizational maze characteristic of the labor movement; he properly senses politico-economic relationships; he is sympathetic and conservative in his judgments; and, while distinguishing between the desirable and the possible, he gives ample evidence of understanding some of the things which must take place if international labor organizations are to be built soundly and enjoy the influence they deserve. American readers will wish for fuller treatment of the factors that have grievously retarded the participation and leadership of American trade unions in the international field; but that is subject enough for a treatise in itself.

JOHN H. FERGUSON.

Pennsylvania State College.

European Population Transfers, 1939–1945. By JOSEPH B. SCHECHTMAN. (New York: Oxford University Press. 1946. Pp. xi, 532. $5.00.)

Since World War I, the transfer of populations has become a widely

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publicized measure for solving difficult minority problems. Mr. Schechtman's detailed study of the large-scale shifts of population effected in Europe during World War II therefore serves two purposes. (1) It analyzes the motives leading to these population movements and the results achieved. (2) It presents a partial basis on which to assess the utility of the technique as a means of removing some of the causes of friction between nations. It also indicates indirectly why the tragedy of the displaced person may embitter and disturb European life for some time to come.

Because the transfers of German minorities involved the largest number of persons and a large number of areas in Europe, over two-thirds of Mr. Schechtman's text is devoted to a study of the transfer and resettlement of this particular nationality group. Perhaps one of the most significant conclusions to be found in these pages is that the removal of German minorities from the Baltic states, eastern Poland, and the Balkans was not motivated by a desire to draw these groups once more within the protective fold of the Reich, but rather to eliminate a possible source of friction with Germany's powerful neighbor, Russia, or to remove only those communities from the Balkans whose isolation made them useless as a German spearhead and who could therefore be placed more advantageously. A second interesting conclusion is that for the German individuals involved, the changes have resulted in their complete uprooting. Not only have they lost their original homes, to which they will not be able to return, but, with the exception of those few settled within Germany proper, they have now lost their homes of resettlement in territory currently governed by Poland. In general, it appears that the most successful transfer effected during the wartime period was that which took place between Bulgaria and Rumania, permanently settling the dispute between those two countries over the Dobruja.

As Mr. Schechtman himself points out, since original sources are not yet available, he has had to rely largely upon secondary sources for much of his information. Consequently, quite a bit of the material will already be familiar to some readers. In addition, his discussion of each individual transfer leads to some repetition which might have been avoided. However, the book should be of genuine interest to all those concerned with the problem of trying to find solutions for some of the more troublesome aspects of international relations.

D. Beatrice McCown.

Bryn Mawr College.

Dokumenty Ministerstva Inostrannykh Del Germanii. Three volumes, published by the Archives Administration of the Ministry of Foreign Affairs of the U.S.S.R. [Moscow: Gospolitizdat. 1946. 1 r. 50 k., or $0.50, each. Vol. I: *Germanskaya Politika v Vengrii (1937–1942 g.g.),*

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pp. 160; Vol. II: *Germanskaya Politika v Tursiti (1941–43 g.g.)*, pp. 143; Vol. III: *Germanskaya Politika i Ispaniya (1936–1943 g.g.)*, pp. 184.]

These three slender volumes present a number (totalling one hundred and thirty-eight documents) of valuable materials for the study of German policy between 1936 and 1943. The preface to the first volume states that they represent a part of the German Foreign Office materials which are in Soviet hands and that the examination of the materials "is continuing." The basis of selection is not stated, and the research worker will be greatly disappointed at the scattered character. In numerous cases, important contemporary questions of policy are not mentioned; in others, documents referred to by number and date in the published materials have not been included. The technical identification and presentation of the individual documents has, however, been carried out with much care.

The documents have been presented in Russian translation. For purposes of research, it would be preferable to have the original texts with or without an accompanying Russian version. From the photo-reproductions of original texts which have been included, one can assume that the translations have been done with care. However, in one place "innere Empfindlichkeit" has been translated as "excessive nervousness" ("chrezmernaya nervoznost") (III, 172).

The documents concerning Hungarian policy show that from March to August, 1938, the Hungarian government was extremely anxious, with German and Italian support, to assure the neutrality of Yugoslavia in the event that Hungary should join with Hitler in an attack on Czechoslovakia (I, 17–83 *passim*). In April, 1938, the Hungarian negotiators apparently believed that Hitler would allow Hungary to recover from Czechoslovakia all the territory which formerly had belonged to the Crown of St. Stephen (I, 51).

On July 24, 1939, Count Teleki proposed that Hungary enter into detailed negotiations with Germany and Italy to formulate concretely Hungary's ties with the Axis; at the same time he stated that Hungary would not join in any military action against Poland (I, 102–104). In July, 1942, Hungarian diplomats were called to order for their loud talk of a war to recover southern Transylvania from Rumania, following the presumed German victory over Russia (I, 139 ff.). Other documents show that the German authorities followed closely the trends in Hungarian public opinion and hint at German efforts to obtain from Hungary a greater war effort on the eastern front.

The documents relating to Turkish policy illustrate the efforts of the Turkish government to maintain its neutrality and to avoid invasion, as, for example, in the negotiations which led up to the signing of the German-Turkish agreement of July 18, 1941 (II, 32 ff.). Private and semi-

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official Turkish soundings with regard to the future of the Turkic peoples in Nazi-occupied Russia take up a large part of the volume (II, 34 ff., 40 ff., etc.). However, when more authoritative inquiries were made concerning Germany's plans for the future organization of the trans-Caucasus, von Papen was ordered to avoid all discussion of this subject (II, 116 ff.). In December, 1942, von Papen readily secured from Berlin five million gold Reichsmarks "to support our friends" in Turkey (II, 131). The volume contains no material concerning the Straits and, despite numerous Turkish expressions of fear of Soviet victory, shows an official Turkish policy of clinging to neutrality.

The volume on Spanish policy opens with the text of the Italo-Spanish agreement of November 28, 1936 (III, 7 ff.). Between April and July, 1938, the question of keeping the Nazi "Condor" Legion in Spain was under discussion (III, 21–44), the Franco government claiming that without its help it could not win the civil war. It was finally decided to maintain and reinforce the Legion at the same time that continued playing with the Non-Intervention Committee in London was to be utilized to gain time for Franco while throwing a sop to the scruples of the Chamberlain government by agreeing to discuss the ways and means of determining whether foreign troops were present in Spain.

A telegram of June 28, 1941 (III, 84 ff.), explains that Serrano Suñer had hastened to inform the German ambassador of Franco's decision to send the Falangist "Blue Division" to the Soviet front in order not to give the Spanish military authorities any opportunity to oppose a step which they regarded with great misgiving. Light is thrown on Spanish and Portuguese attitudes toward neutrality by a detailed report (III, 91 ff.) of the Suñer-Salazar meeting at Seville in February, 1942. In February of the preceding year, as his price for entering the war on the side of the Axis (III, 71 ff.), Franco had asked for French Morocco as well as Gibraltar and large deliveries of military supplies; from the isolated document presented here, it is not clear whether this was a genuine bid or whether Franco was trying to postpone the decision because of his dependence on overseas supplies controlled by British navicerts.

In February, 1943, in return for increased German deliveries of armaments, Franco promised that Spanish territory in Europe and Africa would be defended in case of Allied invasion (III, 159 ff.). He had already made it clear that he greatly preferred a compromise peace to an outright victory by the Allies and described his efforts to arouse suspicion in England and America of Soviet motives and plans (III, 144 ff.). These efforts were apparently received with some sympathy by Sir Samuel Hoare, but were firmly repudiated in London (III, 167 ff.). The few documents relating to economic warfare in Spain show that by November, 1942, the Germans were hard put to assure a continuing flow of strategic

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materials (III, 127 ff.), while by April of the following year (III, 170 ff.) the economic pressure of the Allies was having a very marked effect on the German production effort.

The selection of documents contained in these three volumes leaves an impression of their having been chosen in haste, with an eye to the current political effect. It is to be hoped that subsequent publications will be on a broader scale, offering an adequate basis for scholarly analysis.

PHILIP E. MOSELY.

Russian Institute of Columbia University.

Kein dritter Weltkrieg: die Kunst des Staatsmannes in der bevorstehenden Friedensepoche unter Berücksichtigung der übereinstimmenden Weisheitssprüche von Goethe, Emerson, Nietzsche. BY ALFRED ROSENTHAL VON GROTTHUSS. (New York: Friedrich Krause. 1945. Pp. 211. $2.75.)

This book, written in the form of letters to General Smuts, contains critical essays on Henry A. Wallace, Thomas Mann, Hugh Dalton, Anthony Eden, Sir Stafford Cripps, Sumner Welles, Hugh Gibson, Herbert Hoover, and other more or less democratic thinkers. On the other hand, Goethe, Emerson, and Nietzsche appear in the company of Caesar, Heine, Disraeli, Spengler, the late President Franklin D. Roosevelt, and others, to defend a conservative program. This program rejects the ideals of security and pacifism, equality of sexes and nations, parliamentarism and mass democracy, labor rights and socialism, as well as chemical therapies, modern diet, and comfort. It demands the formation of an empire of all the white races and their colonies with the exclusion of the Russians, who, despite some sympathy for Stalin's allegedly un-Bolshevistic régime, are treated as properly belonging to the colored races.

Without approving of anti-semitism, Grotthuss nevertheless resents the fact that "ambitious Jewish intellectuals, who have never worked with their hands, allow themselves to be elected as representatives of radical labor parties in the parliaments of some countries" (p. 15). In other words, a Rosenthal should not do what a Rosenthal von Grotthuss might do. The concept of a master race is openly expressed in these words: "The world wants to be held in check by a race which is decided and able to play the lord and master, which possesses the mightiest spiritual potential, the highest discipline of the mind, and the soundest biological instinct" (p. 191). The mere suggestion of treating "the defeated Germans as the defeated Japanese" is called a "fantastic plan" (p. 151). "It is unthinkable that the white race, which at present achieves admirable deeds of war, should be cheated out of the fruits of victory through the 'humanity' of their statesmen: then our children or grandchildren will be exposed to the savage thirst of revenge by the humiliated Japanese tigers" (p. 144). Only a National Socialist victory, Grotthuss

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adds (p. 147), would be worse than Japanese world domination (although that appraisal does not seem consistent with his evaluation of the white and colored races). Finally, as another Sallust, he asks repeatedly for another Caesar (see pp. 11–12, 180–184, and 206).

Despite its reactionary elements, Grotthuss' realism in some instances presents a corrective for liberal self-complacency, hypocrisy, and utopianism; but he, the pessimistic critic of liberalism and socialism, in turn, would probably profit by studying his political opponents with more sympathy.

HELMUT HIRSCH.

Roosevelt College and University of Chicago.

From Max Weber; Essays in Sociology. TRANSLATED, EDITED, AND INTRODUCTION BY H. H. GERTH AND C. WRIGHT MILLS. (New York: Oxford University Press. 1946. Pp. xi, 490. $5.00.)

This volume contains two parts—an analysis of the personal and intellectual orientation of Weber and nearly three hundred pages of translations of Weber's writings. The translations include Weber's "Politics as a Vocation," pp. 77–128, and "Power," pp. 159–264. Included under "Power" are "Structures of Power," "Class, Status, Party," "Bureaucracy," "The Sociology of Charismatic Authority," and "The Meaning of Discipline." Part III contains a translation of Weber's writings on "Religion" and Part IV on "Social Structures." Important notes are also given, pp. 445–467.

Perhaps the most useful section of the volume is the personal and social analysis of Weber by Professors Gerth and Mills. The valuable biography of Weber by his widow (*Max Weber: ein Lebensbild*) has been available for some time (1926), but this new analysis, psychological and intellectual, will be found very useful as a key to an understanding of the ideas of a writer often difficult to comprehend. The writers are to be congratulated upon their achievement in delineating the perspective of Weber's personal and intellectual life, in itself a fascinating study. On the personal side, his life was an "oscillation between neurotic collapse, travel, and work." On the political side, they describe his wanderings from German national liberalism back and forth through a series of challenging situations, including his relations with the Kaiser, the Social Democrats, World War I, and the German revolutions, both democratic and bolshevistic. On the side of intellectual orientation, one of the most useful contributions of the writers is their brief but suggestive examination of Marx and Weber, with attention to Hegel, Nietzsche, and Dewey.

Obviously, this is not the occasion to discuss the social and political philosophy of Weber. A man of vast erudition, penetrating analysis, synthetic tendencies, he sought to build more deeply and broadly the founda-

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tions of general social science. He undertook to present systematically the structures and activities in the social field. In this respect he was the successor of Herbert Spencer and the other great generalizers in this broad area. He seemed equally at home in the realm of religion, economics, politics, past and present, and in the interrelating of these fields made contributions of very great value.

To students of politics in the narrower sense of the term, probably the most interesting parts of Weber's philosophy are those dealing with bureaucracy and leadership, ("charismatic authority," in the terminology of Weber). But a really greater contribution was the place of the political in the total social structure. In this respect, his inquiries merit the continuing study of scholars who wish to avoid the narrowing effects of overspecialization. It may be said that Weber was often obscure and sometimes erratic, but he was always challenging and stimulating and always moving in the direction of clearer understanding of social interrelationships.

CHARLES E. MERRIAM.

University of Chicago.

The Divine Right of Capital. By C. E. AYRES. (Boston: Houghton Mifflin Company. 1946. Pp. viii, 214. $3.00.)

This less technical treatment of materials discussed by Mr. Ayres in *The Theory of Economic Progress* (Chapel Hill, 1944) might more appropriately be entitled "An Economic Program for the Future." Although the author carries out his analogy of "Absolute Capitalism" and "Limited Capitalism" to absolute and limited monarchy in Parts I and III, he is primarily concerned with an economic program under a regulated capitalism which will insure full employment, eliminate under-consumption, avoid economic instability, and provide for the maximum satisfaction of economic wants. These objectives could be accomplished, Mr. Ayres believes, by a governmental program utilizing such devices as high progressive taxation, public spending, an expanded social security system, and the like.

Although Mr. Ayres is convinced that "absolute capitalism" is doomed, he is optimistic in his hope that "limited capitalism" provides the best solution to twentieth-century economic problems. He is emphatic, however, in his contention that the only alternative to "limited capitalism" is a violent social and economic upheaval. In this regard he draws an analogy between "limited capitalism" and the English Revolution of 1688, and another between any refusal of "absolute capitalism" to yield and the French Revolution and its consequences.

In his economic and political beliefs, Mr. Ayres aligns himself with writers like the late Lord Keynes, Sir William Beveridge, and Professor

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Alvin H. Hansen. Hence, his book is an excellent antidote to nonsense fed the public by lurid prophets like Hayek and von Mises, who regard every government regulation as another step in the march to Buchenwald. It is to the credit of Mr. Ayres that he acknowledges the dangers of excessive state activity, but it is equally to his credit that he depicts the dangers inherent in a corporate collectivism parading under the banner of free enterprise and shouting "liberty" in a most unrevolutionary sense.

Although special students of politics and economics will find Mr. Ayres' earlier work more useful, *The Divine Right of Capital* is of general value as illustrating the author's application of instrumentalism in evolving a theory of value and proposing a comprehensive economic policy. Students of politics, of course, will rejoice in Mr. Ayres' effort at restoring economics to the nobler science of political economy.

ROBERT J. HARRIS.

Louisiana State University.

Marxism and the Democratic Tradition. BY A. LANDY. (New York: International Publishers. 1946. Pp. 204. $2.00.)

Unfortunately, the book promised by Mr. Landy's title still remains to be written. Just as only the most devoted of Marx's followers will insist that his doctrines are identical with those of democracy, so only the most bigoted of anti-Marxists will deny that there is a connection between them. The need for a critical examination of the relationship is great, not only for academic clarification, but particularly in the light of the concrete international situation now existing in which the claims of the United States versus the Soviet Union are as commonly as not presented under the guise of a struggle between democracy and dictatorship.

But unfortunately Mr. Landy does not address himself directly to the point. The first three quarters of his book are taken up with a rather well-written, but necessarily cursory, summary of European and American history, in the course of which the middle-class revolutions which ushered in the period of representative government are subjected to the characteristically Marxist interpretation. It is not my purpose to quarrel with the interpretation, but only to point out that there is nothing particularly new about it. It has already been popularized by Strachey, Laski, and others, and Mr. Landy has added very little in the way of new data or insight. In substance, this interpretation is that the democratic ideology arose as a by-product, as it were, of the struggle of the bourgeoisie to emancipate itself from absolutist or feudal control. In each country the bourgeoisie found it necessary to enlist the support of the masses—hence the use of democratic slogans and the emergence of a democratic philosophy; and in each country the bourgeoisie, mindful of property, found it possible to arrest the revolution, once a modicum of political (as distinct from economic or social) democracy had been attained.

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Only in the last chapter of the book does Mr. Landy actually get down to the matter at hand. And one wishes that he had done so earlier; for though many will not agree and non-Marxists will doubtless consider the argument non-conclusive, the author makes a number of points which are provocative and stimulating. In this section, he takes up a number of alleged points of difference such as the concept of property, the right of revolution, and the class struggle, and skilfully argues that even in these areas there is substantial identity of outlook between Marxism and the democratic tradition.

HILDEN GIBSON.

University of Kansas.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

A military program for America's pending peace is outlined in a forceful way by George Fielding Eliot in *The Strength We Need* (Viking Press, 1946, pp. 261, $3.00). According to Mr. Eliot, the world is now at war with war itself, but is handicapped by the fact that the establishment of a world organization in a complete and effective form is not possible in the immediate future. We therefore are now living in a period of paradox; a time when we prepare the peace and at the same time maintain arms. During this period, the securing of peace depends upon the rule of law backed by military sanctions. In determining how this campaign against war shall be conducted, Mr. Eliot first examines the military conditions of the postwar world, the relations between the great military powers, the demands of the United Nations Charter, the effect of the atomic bomb upon world security, and the different basic elements of American strategy. The military program that the United States should adopt and the strength of the armed forces of the United States that will be necessary are then outlined no less graphically. Mr. Eliot maintains that: (1) our air power must be superior to that of any other nation, or any conceivable hostile coalition, subject to such agreements as we may make with the nations of the British Commonwealth for combined action; (2) sea power must be superior to the same degree as air power; (3) the Regular Army must be large enough to protect all bases from sudden attack and to conduct any "follow through" operations that are a part of modern warfare; and lastly, (4) the citizens' forces must be adequate for defensive purposes within home territory. Universal military training geared to modern needs and the vital character of scientific research is also emphasized. Although Mr. Eliot's conclusions are highly controversial, there is no doubting the fact that if peace must be maintained by force, his program will give the United States overwhelming power. On the other hand, there is no escaping the tremendous burdens it would place upon

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the American people. He admits that "more than this we cannot hope to do, either from the point of view of getting the men or from that of budgetary limitations." Also one might consider the enervating effect such a program would have upon our entire social and economic structure. Lastly, while Americans believe that this force would be used only in a proper way at a proper time, there might be some difficulty in convincing others that we do not want to rule the world.—R. S. RANKIN.

The current headlines indicating the wide spread of "direct action" by municipal employes—even to the point of strikes and threats of strikes—to obtain a review of their grievances and salaries makes the publication of Charles S. Rhyne's *Labor Unions and Municipal Employe Law* (Washington: National Institute of Municipal Law Officers, 1946, pp. 583, $10.00) particularly pertinent. The volume will be looked on as a definitive study of the legal aspects of the union organization and bargaining activities of municipal workers as of 1946. Mr. Rhyne has included state statutory and municipal ordinance prescriptions, court decisions, and opinions of corporation counsel and city attorneys on all aspects of employe unionizing activities and other relevant practices. A unique value of the volume is the inclusion in full of many court decisions, as well as of legislative enactments. No aspect of this controversial field, which is one of the most significant in the whole range of municipal government, is ignored. It would have been extraordinarily helpful had the able and learned compiler of this volume included more of his own analysis of the problems in government-employe relations. The broad issue of the right of employes to organize unions of their own choosing is treated only in terms of legislative enactments and court decisions; the broader questions of public policy and administration—which are bound to become increasingly important in the years ahead—are hardly touched upon. Even in the absence of critical analysis, however, the volume fills a long-felt need—and a major gap in the literature.—PHILLIPS BRADLEY.

The interrelated problems that grow from the privately owned airlines, the publicly owned airports, and the need for an adequate public policy in transportation are surveyed by Lynn L. Bollinger, Alan Passen, and Robert E. McElfresh in *Terminal Airport Financing and Management* (Harvard University Press, 1946, pp. xiv, 385, $4.25). The volume is a product of the Division of Research of the Graduate School of Business Administration at Harvard University. The data on which the study rests were accumulated from operating terminal airports, and it is supplemented by careful analysis. The generalization may be made on the evidence herein presented that most terminal airports, whether large or small, are not doing very well financially. The explanation rests in the

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complicated issues inhering in the problems and in the conflicts of interest and of purpose in the organizations that coalesce in the operation of the airport. The authors conclude their investigation with the conviction that such terminals can be made self-supporting if they are considered as public utilities and follow a proper plan of developing revenues. Their main proposal looks toward a separation of the functions within the airport. The maintenance of the landing field and related services should remain in public hands. The operation of those services connected with the terminal building that need the incentives of business management should be undertaken by a corporation owned jointly by the airlines. The proceeds from those activities should be utilized to reduce the costs of operating the landing fields. Students of local government and public administration will find the discussion of varieties of local agencies to be traditional. Those who are faced with the practical problems of supervising the operation of an airport will find the data, experience, and proposed standards of great assistance in determining the quality of their own administration. The greatest usefulness of the volume lies in the latter field, as was intended.—CHARLES B. HAGAN.

The Legislative Process in Alabama: Recess and Interim Committees (Bureau of Public Administration, University of Alabama, pp. iv, 43, 1946) is the fourth publication in a series of studies of "The Legislative Process in Alabama." All of the studies were made by Dr. Hallie Farmer, professor of government and history, Alabama State College for Women. The earlier studies covered *Legislative Apportionment* (1944), *Local and Private Legislation* (1944), and *Standing Committees* (1945). Taken together, the four pamphlets represent an admirable beginning of a comprehensive study of a state legislature and the accompanying legislative problems. Dr. Farmer should be encouraged to continue her problem-by-problem attack. The series is valuable as an intensive analysis of a single legislature, and also in that it points up the problems inherent in studies of state legislatures generally. In the current publication, Dr. Farmer extends her investigation of the committee system to the recess (1903–39) and the interim (1939–45) committees. Both are types of legislative study committees, created by the legislature to function as investigatory, planning, and drafting agencies during the recesses or interims within legislative sessions. The two types are to be distinguished by reason of a constitutional change pertaining to the length of the legislative session rather than by differences in functions. The one is the successor to the other. Dr. Farmer studied the organization, composition, functions, costs, and effectiveness of these committees over the forty-two-year period. An implicit conclusion is that, with the legislature organized as it now is, the committees are indispensable legislative tools. She con-

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cludes, however, that their effectiveness could be improved by (1) better coördination with the corresponding standing committees, with an increase in the number of committees, and a greater spread over the total legislative membership, (2) better coördination of the work of the committees, (3) more careful scheduling, (4) improving or abolishing the committee of the whole (a special reporting procedure), and (5) strengthening the research and clerical staffs. These studies have been painstakingly made, the committees analyzed in great detail, and the report, although relatively short, presents the author's findings and conclusions clearly and in enough detail to be a welcome addition to the recent studies of state legislatures.—HAROLD M. DORR.

The title, *Fair Employment Legislation in New York State* (International Committee of the Young Men's Christian Association, 1946, pp. 48, $0.50), raises hopes for an appraisal of New York's pioneer efforts, only to leave them unfulfilled. Instead of the analysis and appraisal eagerly awaited by many, this pamphlet presents a brief history of anti-discrimination legislation in New York State, a summary and text of the Fair Employment Statute, a digest of arguments made for and against the legislation, summaries of two recent United States Supreme Court decisions forbidding labor unions to discriminate against workers solely on the basis of race, color, or creed, a brief bibliography, and suggested materials for further reading. The pamphlet is admirably designed for use by adult discussion groups. Of special interest is the manner in which the groundwork was laid for the legislation. Instead of legislative hearings of the usual sort, a Temporary Commission against Discrimination appointed by the governor traveled over the state holding hearings that resembled town meetings. All who had anything to say were urged to speak, and several thousand availed themselves of the opportunity. Although the Commission found discrimination to be a "most controversial and emotional subject," the discussion was temperate and dignified. The editors believe that this widespread participation improved the statute itself, allayed misunderstanding, facilitated enactment, and helps ensure effective enforcement. Here is a new technique for democratic participation in policy-formation that might well be tried elsewhere.—JOHN H. FERGUSON.

A recent and significant development in "applied" political science is dealt with in the eight brief papers by as many different authors published as *The University Bureaus of Public Administration* (Bureau of Public Administration, University of Alabama, 1946, pp. v, 87). With one exception, these papers were originally presented at round table sessions at the March, 1946, meeting of the American Political Science Association. Limitations of time and space obviously made impossible more than a

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cursory survey of a few of the problems faced in the organization and operation of these agencies which now exist in twenty-eight American universities. Nevertheless, the reviewer found them without exception well-informed and, in the case of one or two, thoughtful and suggestive as well. To the general political scientist—if there be such a person—the discussions of public administration as a special field, public administration and related fields, and the school of public administration as an answer to special needs, by Messrs. Fesler, Egger, and Upson, respectively, have particular value. Such persons, as well as those directly engaged in bureau work, should be interested in Mr. Egger's conclusions to the effect that "the type of research which has traditionally been carried on by university bureaus of public administration is now being done much better, and in vastly larger quantities, by other agencies for which it has a definite cash-in-hand value as a part of the technique of running the business," and that "in the long run a stable basis for a true applied science of public administration must be painstakingly erected upon the synthesis of the disciplines and professions which are involved in the execution of the public business."—LANE W. LANCASTER.

Personnel Problems Affecting Social Scientists in the National Civil Service (Pamphlet 1, Social Science Research Council, 1946, pp. iv, 35), by Lloyd M. Short, is the result of a study made during the summer of 1944 at the request of the Committee on Public Administration of the Social Science Research Council. Professor Short has examined the general nature of positions in the federal service open to social scientists, the recruitment, examination, and certification of social scientists, the classification and compensation of social science positions, and the nature of the careers open to individuals with social science preparation. One section is devoted to questions regarding pre-entry training, in which the most important suggestion appears to be that calling for a broad, rather than a specialized training, in the social studies. The report's conclusions indicate the nature of criticism of present conditions. Professor Short asks for additional financial support for the Civil Service Commission. He suggests that staff members of the Commission charged with classification and selection duties involving scientific and professional personnel be persons of recognized competence in their special subject-matter fields. He suggests that the preparation of social science class specifications and allocation standards be undertaken rapidly. The use of general registers with subject-matter options should be continued and explored further. Greater emphasis should be laid on post-entry training, using various devices. To aid in the achievement of these ends, Professor Short recommends the appointment by the Civil Service Commission of an advisory committee for the social studies.—LEE S. GREENE.

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In their *Gubernatorial Elections in Pennsylvania, 1922–1942* (Pennsylvania Municipal Publications Service, State College, Pa., 1946, pp. 64, $1.00), H. F. Alderfer and Fannette H. Luhrs have presented a statistical analysis of the six gubernatorial elections held in the state during the period covered. The study will be of primary value to those who have a particular interest in the internal politics of Pennsylvania; however, for the general study of political behavior under the varying influences which characterize the different regions of the state it will serve as a rich source of information. The study abounds in election statistics and graphic representations designed to show the fluctuations in the strength of the two major parties throughout the period in the state as a whole, by geographic regions, and by individual counties. The consolidated strength of the minor parties, which at their peak accounted for twenty per cent of the total votes cast in the election of 1930, is also given. The study will be of greatest significance to those who are acquainted with the dominant internal issues in the various campaigns and the general history of the state during the period. From the standpoint of general interest, the primary deficiency, inherent in a work of such specialized and limited scope, is the lack of any relationships established between the raw election statistics and the contemporaneous issues. The present study is a companion work to *Presidential Elections by Pennsylvania Counties, 1920 to 1940*, published in 1941 as Number 10 in the Pennsylvania State College Studies.—CLIFFORD R. RADER.

Books which provide cases selected from the Supreme Court Reports for supplementary reading in courses on American government should be organized primarily to conform to the standard pattern of textbooks. In the next place, they should present some internal coherence of their own. The new collection by C. Gordon Post, Frances P. DeLancy, and Fredryc R. Darby, *Twenty Cases on the Constitution* (Vassar College, 1946, pp. 299), unfortunately meets neither requirement. There is no topical arrangement of the cases; and they are listed in chronological order, with the result that even cases embodying the same issue are placed in different parts of the book. There is no point of departure and no method of reference, either for the instructor or for the student. The introductions which precede each case are well done, though they could be sharpened and pruned with advantage to the student. As much as nine-tenths of the footnotes could be eliminated; for they serve no useful purpose in their context, being citations of statutes for which the student has no concern. The reasons given in the preface for the choice of cases explain but do not countervail the failure of the book to come into focus. While it is true that "cases are not decided in a vacuum," nevertheless "beauty of judicial statement" is not a reliable guide to the study of a constitutional system of government.—P. T. FENN, JR.

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The Congressional Career of Thomas Francis Bayard, 1869–1885 (Georgetown University Press, 1946, pp. x, 362, $2.50), by Charles Callan Tansill, is written from the sources and meets the other tests of scholarship. It brings into clear light the character and work of this Delaware Democrat of distinguished family who was of the small minority of United States senators who ranked as post-Civil War statesmen. The author probably adds nothing to his reputation as a scholar by three times indicating (pp. 28, 307, 310) that Bayard was not a New Dealer. But Professor Tansill is not to be criticized for finding the Senator right on practically every question. Bayard fought Radical Reconstruction and led in every effort to restore the South to full fellowship in the Union; he opposed Grant's Dominican misadventure; he stood for sound finance; he denounced high tariffs; and he took a national and nonpartisan view of the issues of his time. Three times (1876, 1880, and 1884) Bayard was a serious but unsuccessful contender for the nomination for president. He failed to win the nomination because he had no organization, scorned to make any deals, and because he had been such a devoted champion of the South and so friendly with Southerners that many party leaders, including some in the South, feared that his nomination would be taken as a bold bid by the late rebels for a return to power. The author states perhaps without giving full consideration to the use the opponents could have made of that very handy garment, the "bloody shirt," that had Bayard been nominated in 1880, "he would have been elected president (preface). There is less doubt that Bayard belongs on that very short list of public men who "would rather be right than president."—CLAUDIUS O. JOHNSON.

With *For This We Fought* (Twentieth Century Fund, pp. x, 123, $1.00), Stuart Chase concludes his series of six volumes printed as a report to the Twentieth Century Fund on "guide lines to America's future." The book is not written for readers of this REVIEW, nor for their students, and is not a systematic treatise. "Designed to provoke thought and to stimulate discussion," it starts with miscellaneous information on the wants of returning servicemen and of civilians, concluding that both groups want primarily the same thing, economic security. Referring to the productive miracle of the war period, Mr. Chase states that the same high level of production should be possible in peacetime. "Prosperity follows activity," and to achieve this he advocates government planning to smooth out the business cycle, especially by compensatory financing, plus governmental activity to insure high wages, social security, housing, and settlement of labor disputes. Turning to international affairs, Mr. Chase regards our treatment of Germany as "economic lunacy," and mentions that "troubles keep exploding all around the Seven Seas." Atomic fission has introduced a new era which requires our leaders to "exercise their brains

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to an unwonted degree." Specifically, Mr. Chase urges that we be made continuously aware of the effects of the atom bomb. There should be a regular exhibit, say every six months, of an atomic explosion, and attendance at an explosion should be made a compulsory prerequisite for election or appointment to high office anywhere.—DAVID O. WALTER.

In *Frontier on the Potomac* (Macmillan Co., 1946, pp. 262, $2.75), Jonathan Daniels adds an important item to the growing literature of what we may call the folklore of bureaucracy. Mr. Daniels, an "anonym" —that weird official conceived in the womb of public administration and sired by political scientists—was in an enviable position to study the genus *homo politicus* at the beginning of the atomic age. Unfortunately, his confidential duties have obviously limited his freedom, for to have written freely would have placed the author in his own category of those who "kiss and tell." Within these limitations, Mr. Daniels has written an engaging book. It is a picture of little men from little places engaged in gigantic undertakings in the vacuum left by the death of a great leader. Not inappropriately, these little men at the swollen county seat on the Potomac are headed by the former county judge of Jackson county, Missouri. Reading *Frontier on the Potomac* may arouse a faint nostalgia in the breasts of many former Washington political scientists who are restless in their cloisters. The volume is refreshing, for it reveals much about big government without using "gobbledygook"—no mention of "coördination," "integration," or "over-all" in the jargon of vocabulary-starved organization specialists. Close to the core of government, it is wholesome reading for more literate political scientists and especially students of bureaucracy.—JASPER B. SHANNON.

Much information concerning a variety of things can be had by reading Charles G. Bolte's *The New Veteran* (Penguin Books Inc., 1946, pp. 192, $0.25). Whether viewed as an account of the origin, evolution, and objectives of the American Veterans Committee, which in the last analysis it is, or as a congeries of subjects—particularly autobiography of the author, analyses of the major old-line veterans organizations, pleas for the need for full employment or for world peace with a dominant world government, the reader will find much to interest him. It is questionable, however, as to how sustained that interest will be, inasmuch as clear lines of integrating principle are obscure. Given the assignment, it is incumbent upon the reviewer to note the strengths and weaknesses of the work. The provocative sincerity of the author and the fervor with which he writes are the greatest points of strength, the historical portions—the autobiography and the narrative of the development of the American Veterans Committee—far outshining the rest. The defects consist in the tacit as-

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sumption of dichotomies so patent as to need no explication. Finally, the author should ponder the dynamics of politics with an eye to the paradoxes therein which always serve to rap the knuckles of the glib predictor within that domain who dares to posit completed results in advance of history. Some interesting appendices and an adequate index are attached. —CHARLES W. SHULL.

Reorganization of Michigan's County Government (Bureau of Government, University of Michigan, 1946) is designed to bring to the attention of citizens the general outlines of Michigan county government, its defects, the attempts to reorganize it, and finally an analysis of various alternative methods of improvement deemed possible. A significant conclusion is reached—that progress must come as a result of a long-range program. The electorate has already indicated reluctance to accept revolutionary change; a thoroughgoing reorganization involves constitutional amendment and subsequent electoral action. In the meantime, less drastic steps are recommended. Laws might be amended to allow greater scope for the establishment of county civil service, inter-county coöperation, and the abolition of line offices. Likewise, boards of supervisors could be given power to develop the offices of county clerk or county controller into the position of a virtual manager. In this way, a county executive could evolve without the drastic change that would be required to establish the office of county manager. The pamphlet closes with the suggestion that initiation of effort along these lines should be accompanied by an educational program throughout the state. The reviewer, having experienced the common frustration of citizens who wish to improve the structure of county government, heartily indorses this suggestion.—H. F. ALDERFER.

The 1946 version of John M. Pfiffner's *Public Administration* (Ronald Press Co., pp. xii, 621, $5.00) is billed as a revision of the first (1935) edition, though the job of rewriting has been so thoroughly done as to make of the revised edition almost a completely new book. Not only is the 1946 edition new in writing: it is also a much larger book than the original. It carries seven parts (a completely new one on Planning and Research) instead of five, 37 chapters instead of 24, 611 pages of text instead of 512. Moreover, the text has been completely reset, with the type somewhat smaller than before and the page size somewhat larger. The net result is an expansion of perhaps thirty per cent in number of words. Here, then, is an almost entirely new book, characterized by fresh writing, up-to-date illustrations, and a great deal of new and highly useful material. The second edition of this well-known textbook should win an even wider following than the first.—ROSCOE C. MARTIN.

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FOREIGN GOVERNMENT AND POLITICS

American readers now have their choice of three new biographies of Sun Yat-sen. A recent work—jointly written, as it should be—by an American and a Chinese draws upon some of the Chinese published materials and is lent authority by the assistance given the authors by the son of Sun Yat-sen. The result is pleasant reading, valuable for reference or teaching purposes. Since it is as difficult to identify a Chinese who uses a Westernized given name without indicating his actual Chinese *hao* or *tzu* as it is to penetrate the identity of an unknown American when pseudonymous initials alone are given, the senior author of Stephen Chen and Robert Payne's *Sun Yat-sen; A Portrait* (John Day, 1946, pp. 242, $3.00) cannot be identified; "Stephen Chen" must remain an enigma, until the publisher sees fit to explain him. It is patent, however, that he contributes data from wide though highly selective reading in Chinese-language materials. The junior author, a brilliant young English novelist, performs a masterly job in bringing to life the personality of Dr. Sun—his warmth, his tenderness, his unaffected faith in plain people, his contempt for license masquerading as "liberty." Strictly a biography, the work does not point out Dr. Sun's significant posthumous rôle as the one political theorist who stands at the midpoint between democracy, Stalinism, and militarist conservatism and who can be admired by adherents of each creed. The book carefully skirts the debatable question of who shall play St. Peter to Dr. Sun's Messiahship. There is nothing in the book with which Nanking could quarrel, though the Yenanites might object even to the partial identification of Nationalist China with the ideal government envisioned by Sun (pp. 182 ff.). Chen and Payne apparently did not have access to Bernard Martin's brilliant work. *Strange Vigour; A Biography of Sun Yat-sen* (London, 1944), which supplies a wealth of detail not available elsewhere. The Chen-Payne book will stand as the most moving Western-language biography of Dr. Sun, just as Martin's may remain the richest in narrative, Lyon Sharman's the most critical, and the books by James Cantlie and Paul M. W. Linebarger the ones written closest to their subject. The third book is the first juvenile life of Sun for English-reading adolescents. Entitled *Sun Yat-sen*, it has just been published in New York; and the author is Nina Brown Baker, who has published comparable biographies of other famous men.—PAUL M. A. LINEBARGER.

Belgium's rapid strides toward recovery from her war wounds lend particular interest to Smith Simpson (ed.), *Belgium in Transition* (Annals of the American Academy of Political and Social Science, Sept., 1946, pp. viii, 186). In thirty-two contributions by some forty Belgian specialists, the country's problems in the fields of Liberation and Reconstruction (fourteen articles), Social Problems (eleven), Economic Problems (three),

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and International Relations (four) are vividly sketched. The methods used in attacking them in the face of enormous difficulties, the degree of success already achieved, and the remaining tasks are described and discussed. Belgium went at her task with courage and imagination as well as with energy. The fact that she is located at the crossroads, not only of European political life, but also of its economic and cultural currents, makes the present study especially interesting for the student of the general problems of European reconstruction as well as those of particular countries. Political, economic, historical, linguistic, educational, and other viewpoints are blended in this small volume. If not all problems could be included because of space limitations, the reader is grateful for this well chosen selection and the intellectual effort back of it. The variety of tasks faced by the brave Belgians ranged from the job of readjustment of a government-in-exile to the life and stresses of a land from which it had been separated geographically for four long years and the corresponding strains on the part of the local inhabitants, to the changes in party politics, the economic and financial problems of rebuilding destroyed or dislocated industries, trade unions, farms, housing, and public health and educational organizations. Belgian youth, government officials and journalists, Flemings and Walloons, workers and employers, farmers and city dwellers represent their ideas and take stock of their aims and accomplishments. The chapter on "Belgian-American Relations, 1944–45" is almost a model of a concise and readable summary of a big topic—frank, objective, and well-rounded. A reviewer on this side of the water may be pardoned, perhaps, for recalling that half of the first postwar Belgian cabinet members who helped rebuild their country have studied at American universities, with the assistance of the Belgian-American Educational Foundation, an outgrowth of the former Hoover relief set-up for Belgium during World War I.—JOHN BROWN MASON.

Introduction to New Zealand (Historical Section, Department of Internal Affairs, Wellington, N. Z., 1946, pp. 272, $3.00), like a well handled social introduction, leaves a reader with the feeling that he knows New Zealand, likes it, and wishes to know more about his new friend. This handsome book is forthright, explicit, cordial. A few unpleasant facts (e.g., infant mortality rates) are by-passed, and there are some curious omissions, e.g., the colonial schemes of Gibbon Wakefield. Aided by many excellent photographs, the unnamed authors present the essential information about most phases of New Zealand life. Whether we are learning that ninety-three per cent of New Zealanders have electricity, that Maoris resemble Hopis, that skillfully designed arbitration-conciliation machinery secures industrial peace, or that New Zealand art is attractive and meaningful, we find this book building the impression, without bragga-

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docio, that New Zealand is a young, wholesome, superior country.—GARLAND DOWNUM.

INTERNATIONAL LAW AND RELATIONS

The select circle of people endowed with a scholarly interest in the history of international law will find Hans Klee's little book, *Hugo Grotius und Johannes Selden* (Bern, Verlag Paul Haupt, 1946, pp. 70) a worthwhile contribution, as it throws some light on an early controversy concerning the freedom of the sea. It is only natural that Grotius' great classic, *De jure belli ac pacis*, should have overshadowed his less erudite earlier works. This is especially true of his *Mare liberum*, which he published in 1609 at the age of twenty-six, and which became, much later, a chapter in his *De jure praedae*. The lack of attention which *Mare liberum* has received is perhaps not entirely undeserved, for Grotius himself admitted that he had written something of a political pamphlet "with the greatest love of his country, but when young in years," apparently in support of Dutch commercial interests in the freedom of the sea. On the other hand, it would seem obvious that the Englishman John Selden was not unmindful of similar patriotic motives when he published his *Mare clausum* twenty-six years later. It is perhaps ironical, though altogether logical, that Grotius' compatriot, William of Orange, took Selden's side of the argument after he had ascended the English throne. Of the two, Selden's work was undoubtedly the more logical and learned; yet Grotius' doctrine prevailed in the long run. But both Grotius' argumentation and especially Selden's antiquarian approach have little connection with the modern problem of the freedom of the sea. The author can therefore be forgiven for not having brought the arguments of those great antagonists into sharper focus with each other.—ROBERT G. NEUMANN.

War Crimes; An Attempt to Define the Issues (London: Stevens and Sons, 1945, pp. viii, 108), by Dr. Manfred Lachs, was written before the conclusion of the Agreement for the Establishment of an International Military Tribunal and its charter. The author, therefore, does not take account of the expanded jurisdiction which was later given to that Tribunal, but deals exclusively with war crimes *stricto sensu* and their punishment. He apologizes for the "many shortcomings" of his work, "written under the strain of active military service." So slight a treatment adds very little to our knowledge of a subject about which a tremendous literature has already accumulated. Its greatest usefulness will be to supply a convenient summary of the law for military officers.—LAWRENCE PREUSS.

POLITICAL THEORY AND MISCELLANEOUS

The South can claim credit for some of the best work being done by political scientists in America. But it also has to admit to a lot in which it

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can take no pride. No doubt Robert S. Rankin intends to tell both sides of the story in his *Political Science in the South* (Bureau of Public Administration, University of Alabama, 1946, pp. 61), but it seems to me that his facts and figures highlight the shortcomings rather than the strength of the Southern political scientists. His account is confined to what may be called institutional political science—faculty and courses in colleges and universities, graduate instruction, size of college and university libraries, etc. The South has civic leaders, and even office-holders, who rise to the level of statesmanship; it has what I suspect is more than its quota of journalists who write with insight and discrimination on public affairs and the facts of political life. They do not fall within the purview of this booklet. University bureaus established for research and public service are mentioned and the general nature of their activities is indicated. Mr. Rankin approves of them and recommends more of them. But in my opinion he fails to give them the credit to which they are due, either in terms of their relation to civic affairs in the South or in terms of their relation to similar university activity in other parts of the country. You can name a lot of Northern state universities before you come to one that shows the concern for public and civic affairs that distinguishes the University of Alabama or the University of Virginia. It must be admitted, however, that whatever one finds to praise about the political science profession in the South is definitely a peak rising above a pretty low and swampy plain. Only 33 of the 219 institutions (including white and Negro teachers' colleges and junior colleges) have separate political science departments; only 32 of 94 institutions which reported on the point permit a man to confine his teaching exclusively to political science, and 17 of these 32 had only one full-time political science teacher; while 22 institutions offer graduate instruction in political science, they have collectively only 61 individuals teaching political science, which suggests (allowing for some departments to have a half-dozen or more faculty members) that there must be some one-man departments giving the A.M. degree. Mr. Rankin reports that "southerners" (college teachers?) produced 70 "volumes" on political science subjects during 1939 to the middle of 1944. Whether all of these were substantial works or many were pamphlets is not indicated; nor are we told to what extent they are concerned with political affairs of the South. Indeed, Mr. Rankin throws very little light on the preoccupations of the Southern political scientists. Are they looking into the manifestations of Southern one-party politics? Are they getting ready to give us the low-down on the political status of the Negro? What does the Negro political science teacher tell his students about the state of democracy in America? These are a part of the story of political science in the South, but they are not in Mr. Rankin's booklet. But neither, for that matter, has such information been disclosed about political scientists in the rest of the country.—CHARLES S. HYNEMAN.

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John Dewey's little classic, *The Public and Its Problems* (2nd ed., Gateway Books, 1946, pp. xii, 224, $2.50), is still a provocative and finally unsatisfying book. Penetrating as are some of the particular analyses, especially the brilliant diagnosis of "the eclipse of the public," it yet fails to be the systematic statement of a pragmatic political theory which the author seems to promise. His familiar definition of the state as "the organization of the public effected through officials for the protection of the interests shared by its members" is at once too broad and too narrow for a definition that purports to be formal and empirical; regardless of Dewey's intention, it is more valuable as a norm than as a descriptive generalization. However, his notion of "the public" as coming into being through recognition of the consequences of actions indirectly affecting its members is a suggestive clue to one factor, at any rate, in the formation of states. In a new, brief introduction, Dewey claims to find support for his analysis in recent events. He sees in the decline of isolationism evidence that an international "public" is developing, and confirmation of his hypothesis that "the scope or range and . . . seriousness of the factual consequences . . . is the determining factor" in the formation of a public. The body of the book is identical with the first edition, published in 1927. A re-reading of the familiar text raises the question why Dewey's influence on American political thought has received so little study. Certainly his influence supported a healthy skepticism about such "intellectual ghosts" as "the state" and "the individual" and the whole "mythology" of "state-forming forces"; he helped to direct the attention of American students of politics away from formalistic *Staatslehre* toward actual institutions and practices; he stimulated the study of institutions and practices in terms of the problems they attempted to meet and encouraged the habit of thinking of them as developing processes controllable by human intelligence. Many of his specific theses and concepts have become common coin among students of politics. It is most unfortunate that there has been no adequate study of his influence, or, in fact, of the positive influence of pragmatism in general upon American political thought.—JOHN D. LEWIS.

The use of tests in determining individual qualities and capacities is in danger of becoming an occult science, with the layman left outside to contemplate an impenetrable barrier of weighted averages, raw percentiles, standard deviations, and unconverted scores. Glen U. Cleeton and Charles W. Mason, in revising their *Executive Ability; Its Discovery and Development* (Antioch Press, 1946, pp. 540, $4.50), have managed to write a book with rating scales and testing as its central theme which happily subordinates the technical vocabulary to a readable and highly useful discussion of the executive function. Whether or not the reader is interested in tests and testing techniques, he will find here a comprehensive

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treatment of the executive in modern business enterprise—as organizer, as leader, as problem solver, as entrepreneur, as a personality, and as a responsible social force. The book is written for business men, but all executives and those who aspire to executive posts can read it with profit whether they are in business, government, or education. With understanding and balance, the writers focus on their subject the light of history, economics, politics, public opinion, and modern psychology. They have drawn generously on relevant materials in these fields; hence there is a good footnote bibliography. The treatment is somewhat repetitive in places, but not seriously so. There are few things as little understood by those coming into a large administrative organization as the nature of executive responsibility. Despite the excellent theoretical contributions made by Fayol, Gulick, and others, there is little in the literature of public administration to help the student understand the characteristics and traits of a good executive. Macmahon and Millett, in their *Federal Administrators*, made a valuable contribution in this area, as did Gaus and Wolcott in their study of the U. S. Department of Agriculture a few years ago. But such studies are few and far between. Perhaps only observation and experience can develop a true "feel" for the nature of executive duties. But careful case studies coupled with such an analysis as that made by Cleeton and Mason can strengthen one of the weaker aspects of our education for public administration.—ROBERT A. WALKER.

Too little attention has been given to the scientific yet sympathetic study of minority groups which have institutionalized their social thinking. Mr. Herbert Stroup has made a valuable contribution to this all-too-neglected field in his well written and penetrating volume entitled *The Jehovah's Witnesses* (Columbia University Press, 1945, pp. vii, 180, $2.50). The difficulties encountered by an outsider are freely discussed by Mr. Stroup, who, however, manages to convey a highly objective though humanly sympathetic treatment of the institutional developments and arrangements of the Jehovah's Witnesses. Glimpses of internal political and theological disputes make the reader wish that Mr. Stroup had had unlimited access to internal documents. The most fascinating segments of the book are the chapters entitled "The Witness As Believer" and "Attitudes and Relations." To those interested in government in its widest sense, Mr. Stroup's discussion of "Organization and Finances" will prove particularly helpful. From the point of view of style, the book is well written, exceptionally interesting, and very human. Its format is attractive, and the volume merits a far wider audience than it will probably reach. The American Council of Learned Societies is to be congratulated upon its efforts on behalf of the study. The results certainly justify its faith.—ETHAN P. ALLEN.

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Several competent works have already been published which treat Lincoln as a literary figure. Roy P. Basler, however, in his *Abraham Lincoln; His Writings and Speeches* (World Publishing Co., 1946, pp. xxx, 843, $3.75) appears to be the first to present the combination of a scholarly critical analysis of Lincoln as a writer, together with an unusually well-chosen collection of illustrative examples of Lincoln's writings. The book consists of four distinct parts: a brief preface by Carl Sandburg; a short introduction in which Mr. Basler explains his purpose and defines the editorial plan followed in the selected writings; a critical and able exposition of Lincoln's growth as a writer, in which the author presents an examination of the numerous facets of Lincoln's prose style as well as an evaluation of Lincoln's poems; and the bulk of the work, a carefully edited collection of 247 pieces considered by the author to be the best illustrations of Lincoln's many-sided literary production. Mr. Basler's critical essay is a well-proportioned, adequate study. It serves well as a medium to lead the reader intelligently into the selected material from Lincoln's works. The analysis of Lincoln's style and his growth as a great figure in American literature reveals a mastery of the subject and a warm understanding of Lincoln as a human being, a great mind, and a man of letters. The basis of Mr. Basler's selection is three-fold: literary excellence, historical importance, and "human interest." He has adhered admirably to these guiding principles of choice. The extent of his painstaking scholarship and accuracy is shown by the fact that of the 247 pieces selected, three-fourths have been edited from original manuscripts or photostatic copies of such; and in the case of only 13 of the selections was Mr. Basler unable to locate either the original manuscript or the original printed source.—F. Stansburg Haydon.

In *Jean-Jacques Rousseau: Discours sur les Sciences et les Arts* (Modern Language Association of America, pp. 278, $3.00), George R. Havens has accomplished a four-fold task. In an 88-page introduction, he sketches out the historical background of the famous *Discours* and in the course of his analysis discusses the relation of Diderot to Rousseau's view of progress, personal experiences of Rousseau which cast light on the prize-winning essay, and historical conceptions which question the moral value of the "sciences and arts." The *Discours* is then reprinted in its original form, including title-page and pagination. This is followed by a detailed commentary which, read especially in connection with the introduction, should prove helpful to the student of political theory. Finally, an elaborate 13-page bibliography makes the book still more useful. Both introduction and commentary are in French, and the volume is nicely bound and illustrated. This book might well be on the reading list of every class in political theory.—Mulford Q. Sibley.

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